

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JULY 22, 2008  
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were:            Thomas G. Manuel, District 4, Chairman  
                              Cyndi Stevenson, District 1, Vice Chair  
                              Ron Sanchez, District 2  
                              Ben Rich, District 3  
                              James Bryant, District 5  
                              Michael D. Wanchick, County Administrator  
                              Patrick McCormack, County Attorney  
                              Terry Bulla, Deputy Clerk

(07/22/08 - 1 - 8:59 a.m.)  
CALL TO ORDER

Manuel called the meeting to order.

(07/22/08 - 1 - 8:59 a.m.)  
ROLL CALL

Manuel stated that all five commissioners were present.

(07/22/08 - 1 - 8:59 a.m.)  
Bryant gave the Invocation and Stevenson led the Pledge of Allegiance.

(07/22/08 - 1 - 9:00 a.m.)  
SPECIAL RECOGNITION OF DOUG GRIMM BY BOB PETERS, PERSONNEL SERVICES DIRECTOR

Bob Peters, Director of Human Resources, made the presentation to Doug Grimm for 25 years of service as a Fire Fighter/Paramedic. Bobby Hall, Fire Chief, spoke on Grimm's service and the changes they had seen over the years. He congratulated Grimm and wished him good luck. Grimm thanked the County and Chief Hall. He noted they had come a long way since he began as a volunteer.

(07/22/08 - 1 - 9:03 a.m.)  
SPECIAL PRESENTATION TO BILL LAZAR, ST. JOHNS HOUSING PARTNERSHIP, BY THE BOARD OF COUNTY COMMISSIONERS

Stevenson made the special presentation to Bill Lazar, Executive Director of the St. Johns Housing Partnership, and thanked him for his hard work in building affordable housing. She reviewed the various programs that had been introduced during his ten years of service and said they were pleased to recognize his accomplishments. Lazar noted that the success was due to teamwork and hard work by many people who never received recognition. Tom Crawford, Housing Director, was also present for the presentation.

(07/22/08 - 2 - 9:10 a.m.)  
ACCEPTANCE OF PROCLAMATION

**Motion by Rich, seconded by Sanchez, carried 5/0, to approve the special presentation.**

(07/22/08 - 2 - 9:10 a.m.)  
DELETIONS TO CONSENT AGENDA

Wanchick asked that Item No. 13 be pulled until a future date.

(07/22/08 - 2 - 9:11 a.m.)  
APPROVAL OF CONSENT AGENDA

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

(9:11 a.m.) Rich requested to add as Item 1A, the MSBU for Fire Services, to the Regular Agenda.

1. Approval of the Cash Requirement Report

2. Minutes:  
06/24/08 - BCC Regular Meeting

3. Sheriff Office Bonds:

Cancel: Dwight Cole          Pamela Acosta          William Petty  
                 Matthew Modesitt

4. Motion to adopt **Resolution No. 2008-191**, authorizing the County Administrator to execute an easement to FPL to install electrical service to the Emergency Operations Center off of Agricultural Center Drive

#### RESOLUTION NO. 2008-191

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY TO INSTALL ELECTRICAL SERVICE TO THE NEW EMERGENCY OPERATIONS CENTER OFF OF AGRICULTURAL CENTER DRIVE**

5. Motion to adopt **Resolution No. 2008-192**, approving the terms of, and authorizing the Chairman to execute, a Conservation Easement over 29.16 acres near Greenbriar Rd. and County Road 210 W. as mitigation for wetland impacts associated with the safety improvements at the interchange of I-95 and CR 210

#### RESOLUTION NO. 2008-192

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER 29.16 ACRES NEAR GREENBRIAR**

**RD. AND CR 210 W TO MITIGATE FOR WETLAND  
IMPACTS ASSOCIATED WITH THE SAFETY  
IMPROVEMENTS AT THE INTERCHANGE OF I-95  
AND CR-210**

6. Motion to approve the transfer of \$6,538 from Group Insurance Reserves (5500-59920) to Group Insurance Contractual Services (5500-53120) to cover additional expenses associated with the Other Post Employment Benefits (OPEB) Liability evaluation
7. Motion to authorize the County Administrator, or his designee, to award the lump sum bid #08-142 to Bush Construction Company, Inc., and to negotiate a contract in the amount of \$286,496. lump sum for construction of a design/build office building at the Tillman Ridge Transfer Station
8. Motion to adopt **Resolution No. 2008-193**, accepting the terms of the Memorandum of Understanding (MOU) between St. Johns County Board of County Commissioners and Gateway Community Services, and authorizing the County Administrator to execute the MOU on behalf of the County

**RESOLUTION NO. 2008-193**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
AUTHORIZING THE MEMORANDUM OF  
UNDERSTANDING BETWEEN ST. JOHNS COUNTY  
AND GATEWAY COMMUNITY SERVICES, INC.**

9. Motion to adopt **Resolution No. 2008-194**, approving the terms, provisions, conditions, and requirements of a Florida Recreation Development Assistance Program (FRDAP) grant for construction of Nease Beachfront Park, and authorizing the County Administrator, and the County Attorney, to execute the agreement on behalf of the County

**RESOLUTION NO. 2008-194**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
APPROVING THE TERMS, PROVISIONS,  
CONDITIONS, AND REQUIREMENTS OF A FLORIDA  
RECREATION DEVELOPMENT ASSISTANCE  
PROGRAM (FRDAP) GRANT FOR CONSTRUCTION OF  
NEASE BEACHFRONT PARK, AND AUTHORIZING THE  
COUNTY ADMINISTRATOR, AND THE COUNTY  
ATTORNEY TO EXECUTE THE AGREEMENT ON  
BEHALF OF THE COUNTY**

10. Motion to approve the posting of an Inmate Supervisor to replace two (2) vacant Animal Care Technicians for FY 2008
11. Motion to approve the transfer of \$2,667 from the General Fund Reserve and \$5,333 from the Fire Services Reserve in order to fund the reclassification of six firefighters to six firefighter/engineer positions effective July 23, 2008
12. Motion to adopt **Resolution No. 2008-195**, approving the County Administrator to execute this year's Federal Transit Administration 5307 Urbanized Area

Formula Grant in the amount of \$413,036, and adding such Grant as an Exhibit to the April 1, 2005 subagreement with the St. Johns County Council on Aging

**RESOLUTION NO. 2008-195**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE FEDERAL TRANSIT ADMINISTRATION GRANT FL-90-X664 WHICH PROVIDES \$413,036 FOR PUBLIC TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION AND TO APPROVE THE ATTACHING OF THIS GRANT AS AN EXHIBIT TO THE APRIL 1, 2005 SUBAGREEMENT WITH THE ST. JOHNS COUNTY COUNCIL ON AGING TO PROVIDE TRANSPORTATION SERVICES FOR ST. JOHNS COUNTY**

*This item was pulled.*

13. Motion to approve the Personnel Distribution Adjustment of the Health & Human Services Department
14. Motion to approve the transfer of \$119,150 [in salary and benefit appropriations] from Development Services [Department 0087] and the transfer of \$119,150 [in salary and benefit appropriations] from Planning [Department 0018] to implement the new Growth Management Department Reorganization
15. Motion to adopt **Resolution No. 2008-196**, approving the terms and conditions of a landscape maintenance agreement between the State of Florida, Department of Transportation and St. Johns County, Florida, along a portion of State Road A1A North St. Johns County, and a portion along State Road 13 in Northwest St. Johns County, and authorizing the County Administrator to execute the landscape maintenance agreement on behalf of the County

**RESOLUTION NO. 2008-196**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY, FLORIDA, ALONG A PORTION OF STATE ROAD A1A NORTH ST. JOHNS COUNTY AND A PORTION ALONG STATE ROAD 13 IN NORTHWEST ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LANDSCAPE MAINTENANCE AGREEMENT ON BEHALF OF THE COUNTY**

16. Proofs:
  - a. Proof, Notice to Bidders, Bid No. 08-148

- b. Proof, Notice of Meeting, St. Johns County Water & Sewer Authority, make recommendation to the Board of County Commissioners, Monday, June 23, 2008 at 10:00 a.m.
- c. Proof, Notice of Hearings, St. Johns County Water & Sewer Authority, Adoption of an annual price index and pass through rate adjustment, Monday, June 23, 2008 at 10:00 a.m.
- d. Proof, Notice to Bidders, Bid No. 08-130
- e. Proof, Notice to Bidders, Bid No. 08-133
- f. Proof, Notice to Bidders, Bid No. 08-95
- g. Proof, Notice to Bidders, Bid No. 08-99
- h. Proof, Notice to Bidders, Bid No. 08-136
- i. Proof, Notice of Meeting, Value Adjustment Board, Organizational Meeting, Wednesday, July 2, 2008 at 9:00 a.m.
- j. Proof, Notice to Bidders, Bid No. 08-153
- k. Proof, Notice to Bidders, Bid No. 08-152
- l. Proof, Certificate of Liability Insurance, Advanced Disposal Services, Inc.
- m. Proof, Certificate of Liability Insurance, Coastal Fence of Orange Park, Inc.

(07/22/08 - 5 - 9:12 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked to pull Item No. 10 and to reschedule the 5:30 Public Hearing for a later unspecified date.

(07/22/08 - 5 - 9:12 a.m.)

APPROVAL OF REGULAR AGENDA

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

(07/22/08 - 5 - 9:13 a.m.)

1A. MSBU FOR FIRE SERVICES

Sanchez said he wanted to discuss this item because it had gotten way out of proportion. He noted that the Administrator had been instructed by the Board to look at new ways to provide funding for the County. He said this stage was required by law in order to receive public input, and nothing on it was a done deal. He said there had been public outcry on the issue and it would not be voted on until August 5. He said he was in support of small businesses, the poor, the elderly and the citizens of St. Johns County, and that he was prepared to make a motion to cease action on the MSBU. He said the growth of the fire services system was not finished and they were short in a lot of ways. He said they were only making an effort to try to protect the people including emergency medical personnel.

(9:20 a.m.) Stevenson said she had received many phone calls and there were significant issues affecting people during these tough economic times. She asked Administration to prepare a response for the public. She shared the story of her husband's accident and the long response time that occurred due to the primary and secondary emergency services being tied up with other calls. She said they needed to look for efficiencies to complete their mission to have good response time.

(9:22 a.m.) Beth Breeding, 4141 Southpoint Dr. E. #B, gave comments regarding the commercial side. She said fixed rents prohibited them from increasing fees to their tenants, and they would be forced to absorb the increase, which was too great to absorb. She asked for additional consideration on the matter.

(9:24 a.m.) Sanchez responded. He noted that consultants had been involved and the Board had not known what the impact would be until the letters went out to the public. He said a workshop was scheduled for the next night.

(9:25 a.m.) Bryant noted that government was set up so that legislators could not enact rash and quick decisions that would upset the whole flow of government. He reviewed some of the history of the budgets since 1996, when he had taken office. He said currently they were seeing the ramifications of their budget cuts when they lowered millage rates from six to five mils. He noted that fire service was one of the core services that government had to fund in order to be a viable community. He gave a personal history of his own family experience when his wife had cardiac arrest and he had performed CPR for 15 minutes until fire services personnel reached his front door. He said they needed to look at all of the ramifications of their actions. He said he supported Commissioner Sanchez for bringing it before the Board and Commissioner Rich with his previous "no" on the original vote.

(9:28 a.m.) Sanchez said cutbacks the Board had made were planned ahead of the State cuts, but were required by the State.

(9:29 a.m.) **Motion by Sanchez, seconded by Rich, to cease action on this item as presented and ask Administration to research all alternatives dealing with the Fire MSBU, including possible alternatives with the proposed program.** Manuel said they should continue with tomorrow night's workshop. Sanchez said he would be available to attend the workshop should anyone show up and explain what had transpired. Wanchick clarified that Sanchez's motion was to cease action on the MSBU as we know it. He said if that passed, he suggested that they not hold the workshop. He said they could hold a future workshop. Sanchez said they needed to adjust some of the charges. Wanchick said they would look for other alternatives, and they needed to do it with better community acceptance. (9:37 a.m.) **Motion carried 5/0.**

(07/22/08 - 6 - 9:37 a.m.)

PUBLIC COMMENT (*Not held in its usual order*)

Ellen Whitmer, 1178 Natures Hammock Rd., Fruit Cove, spoke regarding annexation and the location of the post office. She said the new post office sign read Jacksonville, Florida, and they had worked very hard to get that designation removed. Stevenson responded and noted that a discussion had taken place at the last meeting in that regard. Whitmer said she was concerned about annexation by Jacksonville.

(9:42 a.m.) Sanchez asked if one county could annex another county. McCormack said it would have to go through the State.

*This item was pulled and rescheduled for August 5.*

(07/22/08 - 6 - 9:43 a.m.)

1. PUBLIC HEARING - ADOPTION HEARING FOR SCHOOL CONCURRENCY DOCUMENTS

(9:52 a.m.) McCormack advised the Board to postpone Item No. 1 until the August 5 meeting. Stevenson clarified that Mr. Beatty, who had been present for public comment on that item, said his comments would only be appropriate after the item had been presented, and therefore would return on August 5.

(07/22/08 - 7 - 9:43 a.m.)

2. CONSIDER A MOTION TO AUTHORIZE THE COMPLETION AND EXECUTION OF THE FY 2009 FORM DR-420'S BY THE COUNTY ADMINISTRATOR WITH THE APPROVED TENTATIVE MILLAGE RATES AND THE ESTABLISHMENT OF SEPTEMBER 16, 2008 @ 5:30 PM IN THE COUNTY AUDITORIUM AS THE FIRST PUBLIC HEARING FOR THE ADOPTION OF THE FISCAL YEAR 2009 ANNUAL BUDGET

Doug Timms, Director of Management and Budget, started the presentation but was interrupted by a fire drill at 9:43 a.m. The meeting resumed at 9:51 a.m.

(9:53 a.m.) Timms continued with the presentation. He noted the proposed rates were flat for FY 2009, with two notable exceptions for Vilano Street Lighting and St. Augustine Street Lighting rates. He explained the roll back rate and why it appeared higher, and explained that it was the effect of Amendment 1 passed by the State. He said the aggregate millage rate was appreciably the same.

(9:56 a.m.) Stevenson asked if it was a peculiarity of the calculation that the countywide millage for the General Fund went up while the transportation and the fire went down. Timms said there was a one time adjustment for OPEB costs, which had been funded from the General Fund in 2008, and they were recapturing it through the millage change. Stevenson asked about OPEB calculations and whether it was based on liability before the Insurance Committee recommendations or after. Timms said the calculation was based on an estimate of what the actuary recommended.

**(9:58 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to authorize the completion and execution of the FY 2009 form DR-420's by the County Administrator with the approved tentative Millage rates and the establishment of September 16, 2008 at 5:30 p.m. in the County Auditorium, as the first public hearing for the adoption of the Fiscal Year 2009 Annual Budget.**

(9:59 a.m.) Manuel asked Timms for a report on the millage rate with "Save Our Homes" included, for the full taxable value of all the property in the County.

(07/22/08 - 7 - 9:59 a.m.)

3. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING COUNTY EMPLOYEE HEALTH INSURANCE RATE CHANGES TO BE EFFECTIVE JANUARY 1, 2009

Timms gave the presentation and the health insurance rate changes. He gave a PowerPoint presentation (Exhibit A) and stated that Mark Bailey and Debbie Weiner of the Bailey Group were present for questions. He reviewed the current options and the proposed recommendations.

(10:06 a.m.) Stevenson commented on post retirement benefit changes and reviewed how the decision was made. She said it would put the County on more secure funding for a long time. Discussion ensued. Timms also reviewed the effects upon Retirees and DROP employees.

**(10:12 a.m.) Motion by Rich, seconded by Stevenson, carried 4/1 with Sanchez dissenting, to adopt Resolution No. 2008-197, approving County employee health insurance rate changes to be effective January 1<sup>st</sup>, 2009.**

(10:14 a.m.) Discussion ensued regarding DROP employees. Bryant asked what considerations had been given for the DROP employees. Stevenson said a small

number of people would be affected. Debbie Weiner gave an explanation. Sanchez noted there were a few individuals who were not getting a fair shake. Mark Bailey noted that workshops were being held for retirees in order to help them review their options and to help them feel more comfortable. Sanchez questioned the status of a retiree. Stevenson said there was discussion at the State level regarding eliminating the DROP program. Discussion ensued.

#### RESOLUTION NO. 2008-197

### A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE FISCAL YEAR 2009 EMPLOYEE HEALTH INSURANCE RATE CHANGES

(07/22/08 - 8 - 10:24 a.m.)

(DISTRICT 5)

4. PUBLIC HEARING - ZNZVAR 2008-01, HURRICANE GRILL AND WINGS - THIS REQUEST IS FOR A NON-ZONING VARIANCE TO LAND DEVELOPMENT CODE SECTION 2.04.06.B TO ALLOW FOR ON-SITE OUTDOOR SEATING FOR A RESTAURANT LOCATED WITHIN A RESIDENTIAL-C FUTURE LAND USE DESIGNATION. THE ZONING PROGRAM FINDS THE REQUEST TO ALLOW ON-SITE OUTDOOR SEATING, SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT, THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT SECTION 3.08.08.E STATES "OUTDOOR PEDESTRIAN SEATING AREAS ARE ENCOURAGED, AND SIMILARLY, OUTDOOR CAFÉ-TYPE SEATING IS ENCOURAGED", AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING

Proof of publication of the notice of public hearing for ZNZVAR 2008-01, Hurricane Grill and Wings, was received, having been published in *The St. Augustine Record* on July 8, 2008.

Marie Hobbs, Zoning Manager, gave the presentation. The applicant Abe Vanjaria, 4255 South A1A, said he had no additional comments.

**(10:25 a.m.) Motion by Bryant, seconded by Sanchez, carried 5/0, to approve ZNZVAR 2008-01, a Non-Zoning Variance to Land Development Code Section 2.04.06.B to allow for on-site outdoor seating for a restaurant located within a Residential - C Future Land Use designation adopting findings of fact one through six to support the motion.**

(07/22/08 - 8 - 10:27 a.m.)

(DISTRICT 4)

5. PUBLIC HEARING - VACROA 07-01, VACATING A PORTION OF KINGFISH AVENUE - THE APPLICANTS, JERRY AND DEBORAH PILCHER AND ROBERT THEN, REQUEST THE VACATION OF A 100 FOOT PORTION OF AN 60 FOOT UNOPENED RIGHT OF WAY KNOWN AS KINGFISH AVENUE (FORMALLY AMOS STREET) LYING BETWEEN LOTS 11 & 12, BLOCK 6 AND LOTS 1 AND 2, BLOCK 7, UNIT NO. 1 OF WELLINGTON BY-THE- SEA PLAT. KINGFISH AVENUE EAST OF SEATROUT STREET IS CURRENTLY NOT BEING USED BY THE COUNTY AND IS LOCATED ADJACENT TO THE



APPLICANT'S PARCELS WITHIN THE WELLINGTON BY THE SEA PLAT. THERE IS A STORM DRAIN CULVERT SYSTEM WHICH RUNS FROM AN INLET ON THE EAST SIDE OF SEATROUT ST AND ALONG THE SOUTH EDGE OF THE SUBJECT RIGHT OF WAY TO AN OUTFALL DITCH TO THE EAST. THIS SYSTEM IS NECESSARY TO DRAIN CERTAIN PORTIONS OF THE RIGHT OF WAYS ON BOTH SEATROUT ST AND KINGFISH AV. PER A REQUEST FROM ROAD AND BRIDGE DEPARTMENT, THE APPLICANTS HAVE PROVIDED THE COUNTY WITH A MAINTENANCE EASEMENT COVERING THE ENTIRE DRAINAGE SYSTEM INCLUDING A PORTION OF THE ROAD TO BE VACATED AS WELL AS A PORTION OF THE PILCHER PARCEL INCLUDING THE OUTFALL. THIS ROAD VACATION HAS BEEN REVIEWED BY STAFF INCLUDING ROAD AND BRIDGE, REAL ESTATE, DEVELOPMENT SERVICES, PLANNING DEPARTMENT, AND THE ZONING DEPARTMENT. THERE ARE NO OPEN COMMENTS OR OBJECTIONS FROM ANY OF THE REVIEWING COUNTY DEPARTMENTS; THEREFORE STAFF HAS NO OBJECTIONS TO THE REQUESTED ROAD RIGHT-OF-WAY VACATION

Proof of publication of the notice of public hearing for VACROA 07-01, vacating a portion of Kingfish Ave., was received, having been published in *The St. Augustine Record* on July 1, 2008.

Bruce Ford, Plans Examiner, gave the presentation and said there was no additional information to provide. Stephanie Burch, 146 Bermuda Ct., Ponte Vedra, stated she was there on behalf of the applicant in case they had any questions.

(10:28 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2008-198, vacating a portion of Kingfish Avenue within Wellington by the Sea Plat as described in attached "Schedule A".**

#### RESOLUTION NO. 2008-198

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF KINGFISH AVE. WITHIN WELLINGTON BY THE SEA PLAT**

(07/22/08 - 9 - 10:28 a.m.)

6. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING AN EASEMENT AGREEMENT FOR DRAINAGE PURPOSES ALONG KINGFISH AVENUE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID EASEMENT ON BEHALF OF THE COUNTY

There was no discussion.

(10:28 a.m.) **Motion by Manuel, seconded by Rich, carried 5/0, to adopt Resolution No. 2008-199, accepting the Easement Agreement for drainage purposes along Kingfish Avenue and authorizing the County Administrator to execute said easement on behalf of the County.**

#### RESOLUTION NO. 2008-199

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT AGREEMENT FOR**

**DRAINAGE PURPOSES ALONG KINGFISH AVENUE  
AND AUTHORIZING THE COUNTY ADMINISTRATOR  
TO EXECUTE SAID EASEMENT ON BEHALF OF THE  
COUNTY**

The Board recessed at 10:29 a.m., and resumed at 10:37 a.m.

(07/22/08 - 10 - 10:37 a.m.)

(DISTRICT 1)

7. PUBLIC HEARING - PUD 2007-14, OLD BRICK ROAD - THIS IS A REQUEST TO REZONE FROM INDUSTRIAL WAREHOUSE (IW) AND OPEN RURAL (OR) TO PUD FOR THE DEVELOPMENT OF 137,900 SQUARE FEET OF COMMERCIAL/INDUSTRIAL SPACE AND 43 SINGLE FAMILY UNITS. SUBJECT PROPERTY IS 41.95 ACRES AND IS LOCATED ON THE EAST SIDE OF US 1 NORTH. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD), SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE DISTRICT AND RESIDENTIAL-B LAND USE AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AND ALL FOUR WAIVERS AT THEIR JUNE 19, 2008 MEETING, BY A VOTE OF 6 TO 0 (MOTION BY WILLIAMS, SECOND BY HANSON, GREEN RECUSED)

Proof of publication of the notice of public hearing for PUD 2007-14, Old Brick Rd., was received, having been published in *The St. Augustine Record* on July 7, 2008.

(10:38 a.m.) Michael Blackford, Planner II, said he had no changes or additions.

(10:38 a.m.) Karen Taylor, 77 Saragossa Street, said she was there on behalf of Henry Green, the applicant, and with Isabel Lopez, legal counsel for the applicant. Taylor gave the presentation and explained the applicant's request, and gave an overhead presentation (Exhibit A). She noted that four waivers were included.

(10:46 a.m.) Henry Green, 24 N. St. Augustine Blvd., came forward at the request of Rich. Rich disclosed ex-parte with Green regarding an overview of the project. Rich commented regarding Department of Homeland Security concerns with that piece of property in reference to interconnectivity. Green responded to Rich's questions, and said there was no access to the Old Brick Road, so there would be no interconnectivity.

(10:49 a.m.) Stevenson disclosed ex-parte with Green and said that she had visited the site, and had discussed bringing it into conformance and possible plans for a government facility in the back. Manuel also disclosed ex-parte with Green concerning the project.

(10:50 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to enact Ordinance No. 2008-36, known as PUD 2007-14, Old Brick Road, adopting findings of fact one through seven to support the motion.**

ORDINANCE NO. 2008-36

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

(07/22/08 - 11 - 10:50 a.m.)

(DISTRICT 1)

8. PUBLIC HEARING - PUD 2008-05, NORTH FLORIDA INDUSTRIAL PARK - THIS IS A REQUEST TO REZONE 9.8 ACRES FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD) FOR PROPERTY LOCATED AT THE INTERSECTION OF CR210 AND LEO MAGUIRE ROAD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD), SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE LAND USE, COMPLIANCE WITH THE VESTING DETERMINATION, AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY VOTED 5/2 (MOTION BY WHEELER/SECOND BY HANSON) TO RECOMMEND APPROVAL OF THE REQUEST, BASED UPON THE SEVEN FINDINGS OF FACT AS PROVIDED AND INCLUDING CHANGES PROVIDED BY THE APPLICANT: 1) EXTEND THE BUFFER TO 30 FEET ON ALL PARCELS; 2) INCREASE THE SETBACK TO 40 FEET ALONG CR 210; AND 3) MODIFY SECTION C.7.E OF THE PUD TEXT TO REDUCE ALL SIGNS TO A MAXIMUM OF 15 FEET INCLUDING PARCEL 3

Proof of publication of the notice of public hearing for PUD 2008-05, North Florida Industrial Park, was received, having been published in *The St. Augustine Record* on July 10, 2008.

Lindsay Haga, Chief Planner, gave the presentation and alerted them to the adjacent property owner notices. She said the applicant would present them with a revised Master Development Plan map which reflected the text included in their packets.

(10:50 a.m.) Stevenson disclosed ex-parte with Karen Taylor and Glen Smith regarding the project and with several representatives of the CR 210 Community Alliance about their concerns regarding signage. Sanchez declared ex-parte with Taylor and the applicant. Rich disclosed ex-parte with Taylor and the applicant with general discussion regarding the project. Bryant disclosed ex-parte with Taylor and the applicant and had discussion with someone from the 210 Corridor Group. Manuel disclosed ex-parte with Taylor and Smith concerning the project.

(10:51 a.m.) Karen Taylor, 77 Saragossa Street, introduced Lynn and Deborah Smith, two of the owners, Brad Davis with Prosser Hallock, engineer for part of the project, Michelle Mecca, Traffic Engineer, Kimley-Horn and Sid Ansbacher, Legal Counsel for the project. Taylor gave a PowerPoint presentation explaining the application. She

noted that changes to the plan were made at the PZA hearing. She commented on the public meetings that had been held with community members and their responses to community input. She said a request for outdoor seating would be included in the request. She said the only compromise they were unable to meet was for the one sign. She noted that a new traffic light would be installed at that intersection. She commented on concurrency at the request of Manuel.

(11:05 a.m.) Rich asked for clarification on the 15 foot sign. Taylor said it had not been agreed upon, as they were asking for a 20 foot sign. Rich said they were also asking for a buffer reduction of 20 feet on Leo Maguire Blvd., which was not discussed with PZA. Taylor clarified where the reduction was being requested and stated that the twenty foot buffer would meet the Land Development Code. Rich expressed concern because it had not been addressed with the PZA, and said he was not in favor of the twenty foot sign since PZA was calling for a fifteen foot sign. Taylor said the client, a bank, would not concede to the fifteen foot sign. Rich asked why the setback was not presented to the PZA. Taylor responded that she had forgotten to present it. Rich said he was not prepared to waive anything that had not been presented to the PZA, and noted the outdoor seating had also not been presented to the PZA.

(11:13 a.m.) Kim Allsup, 4376 Comanche Trail, St. Johns, spoke as a resident of the CR 210 area and as President of the 210 Citizens Alliance Group. She said they had worked closely with Karen Taylor, and the developer had made many concessions. She said the issue remaining was signage. She said they were asking for the 15 foot height restriction for a ground monument sign, and if they allowed large signs, it would have an effect on future signage. She said other banks had lower signage with the exception of one which had been grandfathered. Discussion ensued regarding the height of the signage.

(11:21 a.m.) Stevenson said the development was to be traffic neutral. She said she had received numerous heated messages from community residents regarding density. She explained that the realignment and improvements to Leo Maguire Blvd. would actually improve the flow of traffic in that area. She also commented on the CR 210 and I-95 improvements, which were slated to begin this summer.

(11:24 a.m.) Manuel said the traffic issues had been addressed. He said the outstanding issue was the height of the sign and the waiver request for the five feet.

(11:24 a.m.) Sanchez said the additional five feet was a trade off for the need on CR 210. He said he did not have a problem with that. Stevenson said the CR 210 buffer would be increased. She said they had contributed the right-of-way without getting anything back for it and she felt some sympathy for the applicant. She noted the concessions they had made.

(11:26 a.m.) Taylor said the requested buffer did not require a waiver to reduce it. She said it was only a reduction from what was presented at the PZA.

(11:27 a.m.) Brad Davis, Prosser Hallock, 13901 Sutton Park Blvd. South, Jacksonville, brought attention to the concessions that had been made based on the signage. He noted that the code allowed for two 35 foot signs for any property frontage that exceeded 200 feet. He noted that every parcel exceeded 200 feet. He said they had already made the concession of one sign at 25 feet, the concession for all of the other parcels, and the buffer concession.

(11:28 a.m.) Stevenson asked if the applicant would restrict the square footage. Taylor said it was 100 square feet. There was discussion on the Phases of development.

Stevenson said she would like to see the pictures of the 20 foot monument signs on CR 210, which Taylor produced (Exhibit A). Stevenson asked if they had agreed to landscape the bases. Taylor said that was correct.

(11:33 a.m.) Rich said he was unhappy that the 20 foot sign issue was not presented to the PZA, as he relied on them heavily for advice. He commented on the issue of setting standards and the way things would look within the County, and that he took the issue seriously. He said he would bend on the 20 foot setback but not on the signage issue.

(11:36 a.m.) Stevenson said there had been discussion on the need for some overlay on the CR 210 area. She said what had been acceptable in the past might not still be acceptable by the community. She said discussions would be held regarding protecting that area from U.S. 1 to Greenbriar. She asked staff if the fifteen foot sign in the area was acceptable. Haga said it would be consistent with what was in the area.

The Board recessed at 11:39 a.m. and resumed at 11:44 a.m. Taylor said they would agree to the 15 foot sign and that her client may want to return for a modification later.

**(11:44 a.m.) Motion by Stevenson, seconded by Rich, to enact Ordinance No. 2008-37, known as PUD 2008-05, North Florida Industrial Park, adopting findings of fact one through seven to support the motion, with the provision of a 15 foot monument sign limitation, to specifically allow outside dining, and including the change with allowing the outside buffer to comply with the Land Development Code at 20 feet as described by the applicant..**

There was discussion regarding the waiver. The text would be changed to reflect 15 feet. Rich said he wanted to be sure they were not including waivers in the motion. He said there were three waiver requests and the motion did not have the waivers included.

Whitehouse said two clarifications needed to be made: First the motion was made with the acceptance of the waivers. Stevenson said that was accurate. Secondly, that all monument signs would be 15 foot maximum and the text should be changed to reflect that. Stevenson agreed. She said the change to the setback at 20 feet would be applicable along Phase Four of Leo Maguire Road only. Taylor clarified that Whitehouse had called for inclusion of the waivers. Stevenson said that was correct. Rich stated that his second would stand.

**(11:50 a.m.) Motion carried 5/0.**

#### **ORDINANCE NO. 2008-37**

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

(07/22/08 - 13 - 11:50 a.m.)

(DISTRICT 4)

9. PUBLIC HEARING - PLNAPL 2008-02, PONTE VEDRA OFFICE PARK - THIS IS AN APPEAL FILED PURSUANT TO SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE REGARDING DECISIONS OF THE COUNTY ADMINISTRATOR, OR DESIGNEE, IN ENFORCING THE CODE. THE

APPLICANT SEEKS AN APPEAL OF A PLANNING INTERPRETATION ISSUED FOR THE SUBJECT PROPERTY IN MAY 15, 2008, ATTACHED HERETO. THE SUBJECT PROPERTY IS KNOWN AS PONTE VEDRA LAKES OFFICE PARK SOUTH, LOCATED ALONG A1A IN PONTE VEDRA. THE APPLICANT APPLIED FOR A PLANNING INTERPRETATION OF POLICY A.1.3.6 OF THE COMPREHENSIVE PLAN IN RESPONSE TO COMMENTS RECEIVED UNDER SEPARATE APPLICATIONS SEEKING TO AMEND THE FUTURE LAND USE DESIGNATION AND REZONE THE PROPERTY TO PLANNED UNIT DEVELOPMENT. THE PLANNING INTERPRETATION OF POLICY A.1.3.6 RESTRICTS COMMERCIAL DEVELOPMENT TO PROPERTY EITHER ZONED TO PERMIT COMMERCIAL DEVELOPMENT OR ON LANDS DESIGNATED COMMERCIAL. ADDITIONAL DEVELOPMENT SHALL BE PERMITTED WITH A COMPREHENSIVE PLAN AMENDMENT

Proof of publication of the notice of public hearing for PLNAPL 2008-02, Ponte Vedra Office Park, was received, having been published in *The St. Augustine Record* on July 7, 2008.

Manuel commented on the intent of the request. He said they basically would end up at the same place. He said, on that basis, he was prepared to make a motion. He said all the issues raised would be addressed in the PUD. (11:53 a.m.) Haga said they were now waiting to review the PUD and they were in a holding pattern due to the EAR process.

(11:56 a.m.) **Motion by Manuel, seconded by Rich, carried 5/0, to approve Planning Appeal 2008-02.**

(11:57 a.m.) McCormack asked that item No. 1 be re-opened and continued until August 5.

(11:57 a.m.) **Motion by Bryant, seconded by Sanchez, carried 5/0, to re-open Item No. 1 and to continue it until August 5.**

(11:57 a.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0, to re-open Item No. 10 and to postpone it until a date uncertain.**

*This item was pulled until a later date.*

10. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE

(07/22/08 - 14 - 11:57 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Rich:

Rich encouraged everyone to get out and vote on August 26. He said the Charter Government issue was also going to be on the ballot at that time.

(11:59 a.m.)  
Commissioner Sanchez:

Sanchez extended thanks to Greg White, the CRA in West Augustine and the Weed & Seed program. He said they were working their hearts out to solve problems in that area. He also extended congratulations to Mayor Ward and his fellow council members

in Hastings. He said they had a dedication the night before on Railroad Park, located at the tip of Park Ave. and St. Johns Ave. He said it would be there when the Rails to Trails was finished and could be used by bicyclists and others.

(12:01 p.m.)

Commissioner Stevenson:

Stevenson said they would be preparing a resolution of support for the Five-County Rails to Trails. She asked the Board for their consensus of support in concept. *The Board granted consensus.* She also said she had received a letter dated July 15, regarding proposed annexation. She said she was unclear about the purpose of the annexation. She said a Mr. Randall had expressed concern about the 35 foot issue. She said it was not clear that the Mid-Anastasia overlay limited construction to two stories within 35 feet. She stated that after discussion with Haga, she had learned it could possibly be three stories within 35 feet. She asked Wanchick for a full report and for the implications and unintended consequences which might result from the annexation. Manuel said he had also met with Mr. Randall, and said the issue could be resolved at the Mid-Anastasia level rather than at the attorney level. He said he had asked the County Attorney to take a look at it. Stevenson commented on the Vermont Fresh Network and said it was an exciting idea for a fruitful partnership.

(12:06 p.m.)

Commissioner Bryant:

Bryant shared a story about walking the neighborhood in 1996 during one of his political campaigns.

(12:07 p.m.)

Commissioner Manuel:

Manuel reported on their engagement with the Lands for National Public Trust study results. He asked for consensus of the Board to place that item on the August 5 agenda for a one cent sales tax conservation/transportation discussion. *There was Board consensus to do so.* He asked the Legal Department to research with the Supervisor of Elections the timing requirements, in the event the Board chose to go forward with the initiative, in terms of the November ballot. He commented on the TDC meeting and said they were down about four percent in terms of bed tax revenue. He said the Amphitheatre was discussed as a successful operation and discussion was held on converting it into a private corporation so it would have more flexibility for operations. There was discussion on consultants and the decision was made to retain the two highest rated. He said a third consultant had been retained specifically for historic tourism. He said they wanted to make it clear that St. Johns County was an event and destination driven county. There was consensus of the TDC to assist the Ponte Vedra Chamber of Commerce to open a tourist information center in Ponte Vedra.

(12:12 p.m.) Stevenson asked if there was something significant coming up regarding the MPO. Manuel said they were conducting the annual prioritization of projects and they had started a conversation on Regional Transportational Authorities which held its first meeting on that topic. She clarified that they would not be asked to vote on joining, until there was significant discussion by the Board. He said there would be a report forthcoming which he would provide to each Board member. There was discussion regarding consultants for the TDC.

(07/22/08 - 16 - 12:14 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

There was none

(07/22/08 - 16 - 12:14 p.m.)  
COUNTY ATTORNEY'S REPORT

There was none.

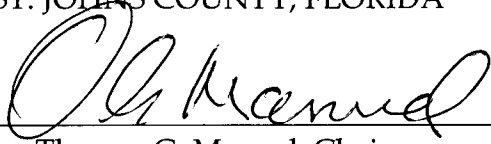
(12:14 p.m.) **Motion by Bryant, seconded by Sanchez, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 12:14 p.m.

REPORTS:

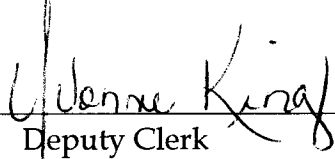
1. St. Johns County Board of County Commissioners Check Register, Check Numbers 422700 through 422713, totaling \$237,194.70 (06/18/08)
2. St. Johns County Board of County Commissioners Check Register, Check Numbers 422714 through 423079, totaling \$1,630,974.86 (07/01/08)
3. St. Johns County Board of County Commissioners Check Register, Check Numbers 423080 through 423085, totaling \$185,792.48 (07/01/08)
4. St. Johns County Board of County Commissioners Check Register, Check Numbers 423086 through 423110, totaling \$42,117.95 (07/03/08)
5. St. Johns County Board of County Commissioners Check Register, Check Number 423111, totaling \$300 (07/08/08)
6. St. Johns County Board of County Commissioners Check Register, Check Numbers 423112 through 423402, totaling \$2,600,977.49 (07/08/08)

Approved August 19, 2008

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

