

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
AUGUST 8, 2010  
(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, 500 San Sebastian View, St. Augustine, Florida.

Present were:        Ron Sanchez, District 2, Chair  
                          Ken Bryan, District 5, Vice Chair  
                          Cyndi Stevenson, District 1  
                          Ray Quinn, District 3  
                          Phillip Mays, District 4  
                          Michael D. Wanchick, County Administrator  
                          Patrick McCormack, County Attorney  
                          Terry Bulla, Deputy Clerk

(08/03/10 - 1 - 8:56 a.m.)  
CALL TO ORDER

Sanchez called the meeting to order.

(08/03/10 - 1 - 8:56 a.m.)  
ROLL CALL

Sanchez announced that four commissioners were present, with Mays to arrive soon.

(08/03/10 - 1 - 8:57 a.m.)  
Bryan gave the Invocation and Sanchez led the Pledge of Allegiance.

(08/03/10 - 1 - 8:59 a.m.)  
PROCLAMATION DESIGNATING AUGUST 2010 AS ST. AUGUSTINE BOYS AND GIRLS CLUB MONTH IN ST. JOHNS COUNTY

Sanchez announced the proclamation and Karen Pan, Public Affairs Specialist, read the proclamation into the record. Sanchez spoke on the new Boys and Girls Club building, stating that it was beautiful and that they did a wonderful job there. Justin Black received the proclamation on behalf of the Boys and Girls Club and the young members who were present. He thanked the Commission for their support. He said they would open on September 23, with the grand opening to be held on November 17.

Commissioner Mays arrived at 9:06 a.m.

(08/03/10 - 1 - 9:06 a.m.)  
ACCEPTANCE OF PROCLAMATIONS

**Motion by Quinn, seconded by Bryan, carried 5/0, to approve the Proclamations.**

(08/03/10 - 1 - 9:06 a.m.)  
DELETIONS TO CONSENT AGENDA

Michael Wanchick, County Administrator, asked to pull Item No. 11, Bartram Park Plat.

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

1. Approval of the Cash Requirement Report
2. Sheriff Bonds:  
Cancel: Gloria Benyacko  
Stephen Duncan  
Peter Dorpema
3. Minutes: None
4. Motion to adopt **Resolution No. 2010-151**, approving the terms and authorizing the County Administrator, or designee, to execute a certain Purchase and Sale Agreement for property required for Segment III of the Volusia Street/Four Mile Road Improvement Project

**RESOLUTION NO. 2010-151**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY REQUIRED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD IMPROVEMENT PROJECT**

5. Motion to adopt **Resolution No. 2010-152**, approving the terms and authorizing the County Administrator or designee to execute a Modification of Lease for Children and Families for space located at the Health and Human Services Center

**RESOLUTION NO. 2010-152**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE A MODIFICATION TO THE LEASE FOR CHILDREN AND FAMILIES FOR SPACE LOCATED AT THE HEALTH AND HUMAN SERVICES CENTER**

6. Motion to adopt **Resolution No. 2010-153**, accepting a Corrective Easement for Utilities and Bill of Sale for water service to Pacetti Road Pet Spa on Pacetti Road

**RESOLUTION NO. 2010-153**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE EASEMENT FOR UTILITIES FOR WATER SERVICE TO PACETTI ROAD PET SPA LOCATED ON PACETTI ROAD AND**

**ACCEPTING A BILL OF SALE CONVEYING ALL  
PERSONAL PROPERTY ASSOCIATED WITH THE  
WATER SYSTEM**

7. Motion to adopt **Resolution No. 2010-154**, accepting a Roadway Drainage Easement Agreement and authorizing the Chair to join in the execution of said easement and a First Amendment to Construction, Drainage and Maintenance Easement, on behalf of the County, in connection with Valley Ridge Boulevard in Nocatee

**RESOLUTION NO. 2010-154**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A ROADWAY DRAINAGE EASEMENT AGREEMENT AND AUTHORIZING THE CHAIR TO JOIN IN THE EXECUTION OF SAID EASEMENT AND A FIRST AMENDMENT TO CONSTRUCTION, DRAINAGE AND MAINTENANCE EASEMENT, ON BEHALF OF THE COUNTY, IN CONNECTION WITH VALLEY RIDGE BOULEVARD IN NOCATEE**

8. Motion to adopt **Resolution No. 2010-155**, accepting a Quit Claim Deed from the City of St. Augustine and approving the terms and conditions of a Conservation Easement required for the Council on Aging Riverhouse Observation Pier Project and authorizing the Chair to execute the Conservation Easement on behalf of the County

**RESOLUTION NO. 2010-155**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A QUIT CLAIM DEED FROM THE CITY OF ST. AUGUSTINE AND APPROVING THE TERMS AND CONDITIONS OF A CONSERVATION EASEMENT REQUIRED FOR THE COUNCIL ON AGING RIVERHOUSE OBSERVATION PIER PROJECT AND AUTHORIZING THE BOARD CHAIR TO EXECUTE THE CONSERVATION EASEMENT ON BEHALF OF THE COUNTY**

9. Motion to adopt **Resolution No. 2010-156**, approving the terms and conditions of a License to Use/Hold Harmless Agreement between St. Johns County and Vilano Town Center Partners, LLC, and authorizing the Chair of the Board to execute the agreement on behalf of the County

**RESOLUTION NO. 2010-156**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A LICENSE TO USE/HOLD HARMLESS AGREEMENT BETWEEN ST. JOHNS COUNTY AND VILANO TOWN CENTER PARTNERS, LLC, AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

10. Motion to adopt **Resolution No. 2010-157**, authorizing the County Administrator, or designee, to execute an Easement to Florida Power & Light Company to install electrical service to the lift station for the Duval/St. Johns Street Drainage Improvement Project in the West St. Augustine Area

**RESOLUTION NO. 2010-157**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY, IN ORDER TO INSTALL ELECTRICAL SERVICE TO THE LIFT STATION FOR THE DUVAL/ST. JOHNS STREET DRAINAGE IMPROVEMENTS PROJECT IN THE WEST ST. AUGUSTINE AREA**

*This item was pulled.*

11. Motion to a resolution approving the final plat for Bartram Park Unit Three-B
12. Motion to adopt **Resolution No. 2010-158**, recognizing unanticipated revenue in the amount of \$3,725.00, for the purchase of an aerator for the Solomon Calhoun Community Center Pool and increasing the revenue budget for General Fund Donations and appropriating it to the Recreation Programs Operating Supplies

**RESOLUTION NO. 2010-158**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010 BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION AND PARKS DEPARTMENT**

13. Motion to adopt **Resolution No. 2010-159**, authorizing the County Administrator, or designee, to execute a FDOT Maintenance Agreement for the A1A Scenic and Historical Coastal Byway - Northern Gateway Sign

**RESOLUTION NO. 2010-159**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE ON BEHALF OF THE COUNTY, THE NORTHERN GATEWAY MAINTENANCE AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR PROPOSED NORTHERN GATEWAY SIGN TO BE LOCATED IN PONTE VEDRA WITHIN THE SR A1A RIGHT OF WAY (ROW) CLOSE TO THE DUVAL/ST. JOHNS COUNTY BOUNDARY LINE**

14. Motion to approve Community Base Care's application and fees for FY 2011 membership to the Florida Coalition for Children (FCC) and designating \$334.35 of the that fee to cover a lobbyist component. Dues for St Johns County will be

\$7,252.62 for FY 2011 based on our annual budget, majority being funded by the DCF State Grants

15. Motion to authorize the County Administrator, or his designee, to award Bid No. 10-74, Purchase of SJC Fire Rescue Equipment to Elite Fire & Safety Equipment, Inc.; Municipal Equipment Co.; Hall-Mark Fire Apparatus; Dana Safety Supply; and Ten-8 Fire Equipment, Inc. and negotiate agreements for a term of one (1) year with three (3) one year extensions. The estimated annual expenditure for FY11 is approximately \$90,000.00
16. Motion to authorize the County Administrator, or his designee, to award Bid No. 10-70, Turnkey Odor & Corrosion Control Program for SJC Utility Department, to Premier Chemicals, LLC., and enter into a contract with Premier Chemicals, LLC., for an initial term of one (1) year with three(3) one year extensions
17. Motion to authorize the County Administrator, or his designee to award Bid No. 10-42, Lab Services for the SJC Utility Department to Advanced Environmental Laboratories, Inc., and award a contract with Advanced Environmental Laboratories, Inc., for an initial term of one (1) year with four (4) one year extensions
18. Motion to authorize the County Administrator, or his designee, to award Bid No. 10-33, Solana Road/PGA Tour Blvd./Marsh Landing Parkway Traffic Signal to American Lighting & Signalization, Inc., as the lowest responsive bidder for a Total Lump Sum Bid of \$161,380.00 and award a contract for same
19. Motion to authorize the County Administrator, or his designee, to award Bid No. 10-73, West Augustine Improvements Sanitary Lift Station, to Masci Corporation as the lowest responsive bidder for a Total Bid of \$295,782.00 and award a contract for the same
20. Motion to declare County Vehicle CV#501, a 1995 Freightliner Ambulance, as surplus and authorize the County Administrator to donate it to the St. Johns County Sheriff's Office to be used by the SWAT/Dive Team
21. Motion to adopt **Resolution No. 2010-160**, approving the terms, and authorizing the Chairman to execute an Interlocal Agreement with the Ponte Vedra Municipal Service District for the joint participation in the construction of the upgraded pedestrian railing and column system on the Southerly side of Corona Road between Ponte Vedra Blvd. and Rutile Dr.

#### **RESOLUTION NO. 2010-160**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS ASSOCIATED WITH THE INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT, CONCERNING CONSTRUCTION OF DECORATIVE COLUMNS AND PEDESTRIAN RAILING IN ACCORDANCE WITH ALTERNATE BID NO. 1 OF BID NO. 10-21, CORONA ROAD WEIR ROW SAFETY IMPROVEMENTS AND CHANGE ORDER NO. ONE,**

**AND INTERLOCAL AGREEMENT ON BEHALF OF THE  
COUNTY**

22. Motion to adopt **Resolution No. 2010-161**, approving and authorizing the adjustments of certain speed zones within St. Johns County as per the FY 2010 Traffic Engineering Investigation and Study prepared by Prosser Hallock, Inc. The roadways with speed zone changes are as follows: Agricultural Center Drive, Cracker Swamp Road, Dobbs Road, George Miller Road, Hastings Blvd, Kings Estate Road/Hilltop Road, Morrison Road, Old Hastings Road, Reid Packing House Road, Rolling Hills Drive, Russell Sampson Road, St. Ambrose Church Road, Vermont Blvd./Allen Nease Road, Watson Road, and Winifred Masters Road

**RESOLUTION NO. 2010-161**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
APPROVING AND AUTHORIZING ADJUSTMENTS OF  
CERTAIN SPEED ZONES AS DEPICTED ON SPEED  
ZONE MAPS DATED MAY 17, 2010 OF NUMERICAL  
SPEED LIMITS AND LENGTH OF RESPECTIVE SPEED  
ZONE PREPARED BY PROSSER, HALLOCK INC.,  
UNDER THE DIRECTION OF ST. JOHNS COUNTY  
ENGINEERING DIVISION/TRAFFIC OPERATIONS  
SECTION; AND PROVIDING AN EFFECTIVE DATE**

23. Proofs:
- a. Proof: Notice to Bidders, Bid #10-83, published June 18, 2010 in the Ponte Vedra Recorder.
  - b. Proof: Notice to Bidders, Bid #10-63R, published July 1, 2010 and July 8, 2010 in the St. Augustine Record.
  - c. Proof: Notice to Bidders, Bid #10-81, published June 26, 2010 and July 3, 2010 in the St. Augustine Record.
  - d. Proof: Notice to Bidders, Bid #10-85, published June 26, 2010 and July 3, 2010 in the St. Augustine Record.
  - e. Proof: Notice to Bidders, Bid #10-06R, published June 29, 2010 and July 6, 2010 in the St. Augustine Record.
  - f. Proof: Notice to Bidders, Bid #10-73, published June 3, 2010 and June 10, 2010 in the St. Augustine Record.
  - g. Proof: Notice of Administrator's Budget Hearings on May 11, 2010 through May 13, 2010, published May 7, 2010 in the Ponte Vedra Recorder.

(08/03/10 - 6 - 9:08 a.m.)  
PUBLIC COMMENT

There was none.

(08/03/10 - 6 - 9:08 a.m.)  
ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked to add Item 10A, HIV appointment to Planning Council.

(08/03/10 - 6 - 9:08 a.m.)  
APPROVAL OF REGULAR AGENDA

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

(08/03/10 - 7 - 9:09 a.m.)

1. CONSIDER THE PROPOSED FISCAL YEAR 2011 MILLAGE RATES AND FINALIZE THE FIRST PUBLIC HEARING DATE FOR THE FISCAL YEAR 2011 ANNUAL BUDGET FOR ST. JOHNS COUNTY

Jesse Dunn, Assistant Director, Office of Management and Budget, gave the presentation. He reviewed the previous history of the budget planning process for the 2011 year and presented the proposed millage rate for FY2011. He explained the requirement for establishing the first public hearing.

(9:13 a.m.) Stevenson said this was one of many steps along the way. She reviewed the aggregate millage rate of 6.6737 and the roll back rate of 7.5381 and asked Dunn to explain what the roll back rate represented. Dunn explained that the roll back rate was the millage rate needed to be levied in the new fiscal year to generate the same amount of tax dollars as adopted in the previous fiscal year. Stevenson stated that it would be a flat budget, but would increase the tax burden for some properties because of the way property was assessed. She said it was a confusing and complex process. She said totally it would be 11.47% less overall. She said the County did not control how the tax was allocated to individual properties.

(9:15 a.m.) Bryan thanked Stevenson for clarifying. He said it was difficult to understand and was confusing to property owners. He encouraged anyone to call the Tax Collectors Office or the County Administrator for more clarification.

(9:15 a.m.) Wanchick said they were referring to people who had certain exemptions under Florida law, which the County did not control. He stated the average taxpayer who didn't have one of those exemptions would see a tax decrease in the neighborhood of ten percent.

(9:16 a.m.) Stevenson said it was a mixed result with some people's taxes going down and some going up slightly.

(9:16 a.m.) Sanchez explained that those who were experiencing a slight increase would see the result of Save Our Homes, which had kept the tax bill down for people who came under it. He said the new assessed value might not match the assessed value that the appraisers had carried on their books, so those people might see a slight increase.

**(9:17 a.m.) Motion by Sanchez, seconded by Bryan, carried 5/0, to authorize the completion and execution of the FY 2011 form DR-420's by the County Administrator with the approved tentative Millage rates and the establishment of September 21, 2010 @ 5:30 PM in the County Auditorium as the first public hearing for the adoption of the Fiscal Year 2011 Annual Budget.**

(9:18 a.m.) Wanchick said that the second public hearing date would be September 29 at 5:30 p.m.

(08/03/10 - 7 - 9:18 a.m.)

2. CONSIDER A RESOLUTION REGARDING ST. JOHNS COUNTY TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 2006/BOND PROJECTS AND AMENDING AND SUPPLEMENTING COUNTY RESOLUTION NO. 2006-443 FOR THE PURPOSE OF AMENDING THE 2006 PROJECT DESCRIPTION

Wade Schroder, Office of Management and Budget, gave the presentation and explained the request. He noted that due to circumstances beyond their control, the bond funds had not been spent as originally anticipated, with some projects having been delayed or put on hold. He noted the addition of the proposed projects would provide better clarification of the bond projects and would allow the County to reimburse itself for project expenditures that had previously been paid for with other County funds. He noted that approximately \$6 million would reimburse the Transportation Trust Fund, which would provide some additional cash during the next few years of fiscal uncertainty and about \$2.1 million would reimburse road impact fees. He added that all projects currently underway would not be affected by the reimbursements. He stated that Jean Mangu, Bond Counsel, was present to answer questions. Stevenson asked why the projects were being added to the bond. Schroeder stated that some of the projects that were being added were projects that had been paid for with Transportation Trust Fund dollars or Impact Fee dollars and by adding the projects to the list they would be able to reimburse the Transportation Trust Fund and the Impact Fees with bond funds. He said other projects were being added to better clarify that the bond funds had been spent on the correct project.

McCormack stated that this was not adding to any of the debt structure at all, it was just reconfiguring some of the projects due to some of the issues pertaining to executing the projects. He further noted that the staff had looked at the option of reducing the bond obligation some, but mechanically it was very problematic to do so. He said they were appropriately reimbursing other funds which essentially would result in a savings.

(9:22 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2010-162, amending and supplementing County Resolution No. 2006-443, for the purpose of amending the 2006 project description contained therein to include other transportation projects and authorizing all necessary budget amendments related thereto.**

#### **RESOLUTION NO. 2010-162**

**A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 2006-443, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON NOVEMBER 14, 2006, AS AMENDED AND SUPPLEMENTED, WHICH RESOLUTION AUTHORIZED THE ISSUANCE BY THE COUNTY OF ITS TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 2006; FOR THE PURPOSE OF AMENDING THE 2006 PROJECT DESCRIPTION CONTAINED THEREIN; AUTHORIZING ALL NECESSARY BUDGET AMENDMENTS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE**

(08/03/10 - 8 - 9:23 a.m.)

District 3

3. PUBLIC HEARING - REZ 2010-03, SR 207 INTERCHANGE NORTHEAST REZONING. THIS IS A REQUEST TO REZONE 9.90 ACRES FROM COMMERCIAL HIGHWAY AND TOURIST (CHT) TO COMMERCIAL INTENSIVE (CI) FOR THE DEVELOPMENT OF ALL USES ALLOWED IN CI ZONING. SUBJECT PROPERTY IS LOCATED ON NORTH OF SR 207 AND EAST OF I-95 WITHIN A MIXED USE DISTRICT NODE. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO CI SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY



RECOMMENDED APPROVAL OF THIS REQUEST BY A 6/0 VOTE AT THEIR  
JULY 15TH MEETING

Proof of publication of the notice of public hearing regarding REZ 2010-03, State Road 207 Interchange NE, was received, having been published in *The St. Augustine Record* on June 30, 2010.

Michael Blackford, Growth Management, gave the presentation and explained the project request. He reviewed staff recommendations and noted that the PZA had unanimously recommended approval at their July 15<sup>th</sup> meeting. He also reported that there had been numerous letters and e-mails regarding the project (*Exhibit A*).

(9:27 a.m.) Sanchez declared ex parte communication with the attorney and with Ms. Smith. Stevenson said she had also met with the applicant and Ms. Smith and discussed the location of the property. She asked about reconfiguring the property as it related to the flea market, which would be relocated on the site. Bryant declared ex parte in a phone conversation with Ms. Smith regarding the property, where it was located and what plans they had for the property. Quinn said he met with Ms. Smith and the applicant.

(9:28 a.m.) Ellen Avery-Smith, Rogers Towers, 7 Waldo St., Suite B, responded to Stevenson's comments regarding the flea market. She pointed out that the owner of the property was AHK LLP., which owned the 70 acres as outlined and the surrounding property. She said rezoning the 9.9 acres to CI would allow for flexibility in the uses. She said the client wanted the ability to move the flea market to that general area.

(9:30 a.m.) **Motion by Bryan, seconded by Stevenson, to enact Ordinance No. 2010-29, known as REZ 2010-3, adopting findings of fact one through four to support the motion.**

(9:31 a.m.) Stevenson said she was encouraged by that project because it was a major intersection and she was looking forward to seeing it utilized in a way that supported some of the uses people wanted to see in St. Johns County.

(9:31 a.m.) **Motion carried 5/0.**

**ORDINANCE NO. 2010- 29**

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

(08/03/10 - 9 - 9:32 a.m.)

District 4

4. PUBLIC HEARING - PUD 2009-01, CANAL BOULEVARD SHOPS PLANNED UNIT DEVELOPMENT. THIS IS A REQUEST TO REZONE APPROXIMATELY 1.55 ACRES FROM AN OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO DEVELOP UP TO 8,100 SQUARE FEET OF COMMERCIAL SPACE. THIS AREA IS LOCATED ON CANAL BLVD. BETWEEN ROSCOE RD. AND WILDERNESS TRAIL. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED UNIT

DEVELOPMENT (PUD) DOES SUBSTANTIALLY MEET THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE SITE IS DESIGNATED RESIDENTIAL B AND A PUD REZONING IS REQUIRED FOR ANY NEW COMMERCIAL SITES. THE PZA RECOMMENDED UNANIMOUS APPROVAL AT THEIR JUNE 3, 2010 MEETING

Proof of publication of the notice of public hearing regarding PUD 2009-01, Canal Boulevard Shops, was received, having been published in the *St. Augustine Record* on July 19, 2010.

(9:32 a.m.) Sanchez declared ex parte with Karen Taylor and the applicant. Bryan declared ex parte with the applicant and his representative. Stevenson said she had met with Karen Taylor and John Gracy and staff, regarding the property, site plans and multiple iterations. Mays said he spoke with Karen Taylor and had received numerous e-mails. Quinn said he met with Karen Taylor and the applicant, received e-mails and did a site visit.

(9:33 a.m.) Michael Blackford gave the presentation explaining the project, and gave a history of the project. He said the PZA unanimously approved it at their June 3, 2010 meeting with requested changes having been made. He reviewed the waivers requested to the unified sign plan and to the Palm Valley/Ponte Vedra overlay plan. He noted that staff recommended approval.

(9:37 am.) Bryan said he wanted to make sure there was adequate buffering for the adjacent residential area. Blackford responded and cited the local requirements for the buffer along the eastern side of the property as well as the requirements for the PUD that had been met. Bryan also discussed provisions for traffic turn offs. Blackford said it would be the typical requirement. He said the project would require a sidewalk.

(9:40 a.m.) Karen Taylor, 77 Saragossa St., stated that John Gracy the applicant was also present. She reviewed the site plan and explained the concerns and questions that had been answered, and the changes that had been made in the second site plan to answer those questions and concerns (*Exhibit A*). She said the third site plan broke up the scale of the buildings and was finished on both sides and hid the majority of the parking. She added that the retention pond was relocated to the front of the site. She said 10 feet had been added to the buffer adjacent to the residential, the rear buffer had been increased to 20 feet and landscaping and buffering requirements had been met. She said they had also changed the hours of operation, reduced the scale of the building and increased the buffers to meet PZA concerns. She noted they were asking for a set back of 25 feet along Canal Boulevard.

(9:46 a.m.) Quinn said he had had some concerns and did a site visit. He said there were already commercial enterprises as well as a school there, and the addition of a sidewalk would be a plus. He added that he had concerns regarding drainage and any improvement would be a plus.

(9:47 a.m.) Bryan said his questions regarding drainage had been answered by Taylor, and he was satisfied that it had been addressed.

(9:48 a.m.) Deborah Baer-Abrian, 166 Canal Boulevard, Ponte Vedra Beach, stated that she lived next door to the property. She said previous drainage problems were due to the former owner's watering of plants in his nursery. She said it was a residential area and she did not want to live next to commercially zoned property. She said she often

had to wait in line to get into her own driveway when traffic was going into the school and this project was only going to increase traffic.

(9:50 a.m.) William Broekerna, 247 Canal Boulevard, Palm Valley, said he had a lot of issues with the fact that it was a predominately residential area. He said he had lived there since 1970 and it had grown. He commented on the drainage issues in Palm Valley. He added that the residents he had talked to on Canal Blvd. said they did not need the commercial space on Canal Blvd. He asked where it would stop.

(9:54 a.m.) Ron McElcannon, 651 North Wilderness Trail, Palm Valley, said he was there to offer his support to Mr. Gracy. He said there was no market for a private residence at that location, as it was surrounded by structures that would make it unattractive as a residence. He stated that they had gone through several revisions in order to accommodate the residents.

(9:56 a.m.) Taylor responded to the two people who spoke. She said it had been a commercial site for over eight years, and it would become a more stabilized site. She said they had tried to accommodate the neighbor's concerns. She said commercial within a residential area provided services to residential areas and it would be a benefit to the community. She said Commissioner Mays asked why they were proposing the project now. She said it took a good 2 to 3 years to get the project permitted and they hoped to have things in place when the economy improved.

(10:00 a.m.) Bryan asked the number of traffic trips when the traffic was a nursery as compared to what it would be under the proposed project.

(10:00 a.m.) Phong Nguyen, Transportation Planning Manager, said a traffic count had been done earlier, but there was no other traffic study because it was considered a small project. Bryan asked what type of businesses they would be looking at. Taylor responded that it would be small retail, hospitality, professional offices etc. and reviewed allowable uses within the PUD.

(10:03 a.m.) Mays said the site plan had a lot of work done on it, and it was a difficult matter. He said other commercial uses were happening currently. He said he was happy to see it at one story, the placement was neighborhood friendly, and the additional buffers were appropriate, as were the fence and mature tree placement for buffering. He stated that though it was difficult, he would support it.

(10:05 a.m.) Stevenson said it was a tough place and infill lots were some of the hardest ones to work. She said she was concerned about the drainage and asked staff for discussion.

(10:06 a.m.) Phong Nguyen said he was aware of the project and said they had discussed it with the applicant. He said the drainage project had a collection box on the north side of Canal Boulevard with an outflow on the south side of the canal. He said currently there was an 18 inch pipe and it would require a 20 or 24 inch PVC reconstruction to accommodate the flow. Stevenson asked if it was cost feasible. Nguyen said that if the lot was elevated it would affect the adjacent property and would need to be designed in such a way that it would not affect adjacent lots. He said the issue had been addressed with the applicant in order to meet that objective.

(10:09 a.m.) Darrell Locklear, Assistant County Manager, said it would be addressed during the on-site construction review and it would have to be measured at no more water leaving the property than was leaving the site currently. Discussion ensued.

(10:10 a.m.) Bryan asked about the impact on the drainage and who was going to pick up the cost. He asked if this was something that had already been considered. Mays responded that a lot of work had already been done on this project regarding drainage, and the drainage improvements would be in place, area wide, in addition to the requirements for the specified site.

(10:12 a.m.) Stevenson said that site might affect the pervious surface and impact neighboring properties. She said she wanted to be assured that the drainage was being addressed. Taylor said that was the reason they had done the study. She added that there would be a wall that would act as a drainage block. She said they had to make and pay for any modifications needed in order to tie into the County system.

**(10:13 a.m.) Motion by Mays, seconded by Sanchez, to enact Ordinance 2010-30, known as PUD 2009-01, adopting findings of fact one through seven to support the motion.**

(10:14 a.m.) Blackford said there was a minor correction in the PUD text on page 1, there was reference to a screening standard A, and that was old language from the original request and it needed to be modified from A to B. He added that was what the majority of the PUD text referred to.

**(10:14 a.m.) Mays restated the motion as amended, Sanchez seconded the amended motion. Motion carried 5/0.**

#### ORDINANCE NO. 2010-30

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

(08/03/10 - 12 - 10:16 a.m.)

District 1

5. PUBLIC HEARING - NOPC 2010-01, NOCATEE NOTICE OF PROPOSED CHANGE. THIS APPLICATION IS A REQUEST FOR A PROPOSED CHANGE TO THE PREVIOUSLY APPROVED NOCATEE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, RESOLUTION 2001-30, AS AMENDED, FILED UNDER THE PROVISION OF SUBSECTION 380.06(19) OF THE FLORIDA STATUTES. CHANGES PROPOSED ARE: THE PROPOSED CHANGE INCLUDES A REQUEST TO MODIFY THE NOCATEE DEVELOPMENT ORDER TO ADD A TWO ACRE PARCEL AS "ADDED LANDS". THE LANDS WOULD BE ADDED TO THE TWENTY MILE VILLAGE AND NO ADDITIONAL DEVELOPMENT RIGHTS ARE BEING SOUGHT. STAFF RECOMMENDS APPROVAL OF THE NOTICE OF PROPOSED CHANGE AND FINDS IT GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THAT THE CHANGES PROPOSED THEREIN, DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION. THE PZA RECOMMENDED THIS NOPC FOR APPROVAL AT THEIR JUNE 17TH MEETING BY UNANIMOUS VOTE

Proof of publication of the notice of public hearing regarding NOPC 2010-01, Nocatee DRI, was received, having been published in *The St. Augustine Record* on June 2, 2010.

Jason Cleghorn gave the presentation and explained the project request. He reviewed the PZA approval on June 17th, as well as staff recommendation for approval.

(10:18 a.m.) Wanchick said it was just adding acreage to the DRI, not adding any units.

(10:20 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruitcove, said this went back to proving her original case. The New Town was never a new town because it was not functionally distinct or geographically separated from the surrounding land use issues. She stated that she considered it a deviation.

(10:21 a.m.) Stevenson said there was some question as to whether St. Johns County property tax dollars were being used for roads within the Nocatee project. She said St. Johns County property tax dollars were not used to pay for the roads within Nocatee.

(10:22 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve Resolution No. 2010-163, known as NOPC 2010-01, adopting findings of fact one through five to support the motion.**

#### RESOLUTION NO. 2010-163

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE NOCATEE DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY RESOLUTION 2001-30, DATED FEBRUARY 23, 2001, AND PREVIOUSLY MODIFIED BY RESOLUTION 2006-95, DATED MARCH 21, 2006, RESOLUTION 2007-127, DATED MAY 1, 2007, RESOLUTION 2007-305, DATED OCTOBER 16, 2007, RESOLUTION 2009-87, DATED APRIL 7, 2009, AND RESOLUTION 2009-356, DATED DECEMBER 1, 2009 TO INCLUDE ADDITIONAL LANDS WITHIN THE NOCATEE DRI AND MODIFY THE MASTER PLAN AND THE MASTER CIRCULATION PLAN; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE**

The Board recessed at 10:23 a.m. and reconvened at 10:36 a.m.

Sanchez said the last item required statements of ex parte, and there had been no ex parte communication by any of the Commissioners.

(08/03/10 - 13 - 10:36 a.m.)

District 3

6. PUBLIC HEARING - APPEAL OF A DECISION BY THE PLANNING AND ZONING AGENCY, PURSUANT TO SECTION 9.07.03 OF THE LAND DEVELOPMENT CODE (PLANAPPL 2010-01 KINGS TRACE. THIS IS AN APPEAL FILED PURSUANT TO SECTION 9.07.03 OF THE LAND DEVELOPMENT CODE REGARDING DECISIONS OF THE PLANNING AND ZONING AGENCY (PZA). THE PZA ISSUED A FINAL DECISION REGARDING A MINOR MODIFICATION TO THE SIDE SETBACK REQUIREMENT FOR A SINGLE-FAMILY RESIDENCE. THE PZA DENIED THE APPLICATION BY A 3-2 VOTE. THE AGENCY FOUND THAT THE REQUEST DID NOT FULLY MEET THE DEFINITION OF A VARIANCE BECAUSE THE HARDSHIP WAS CREATED BY THE OWNER. THIS APPLICATION WAS PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS (BCC) ON JUNE 15, 2010, BUT WAS CONTINUED TO BE

HEARD ON THE AUGUST 3RD BCC MEETING. THE BCC INDICATED THE NEIGHBORS WERE NOT IN SUPPORT OF THE VARIANCE, HOWEVER; THE APPLICANT WAS UNDER THE IMPRESSION THEY WERE SUPPORTIVE. THE CONTINUATION PROVIDES THE APPLICANT TIME TO READDRESS THE NEIGHBOR'S CONCERNS. AT THIS TIME, THE COUNTY HAS NOT RECEIVED ANY ADDITIONAL INFORMATION FROM THE APPLICANT REGARDING THE NEIGHBOR'S SUPPORT. THE SUBJECT PROPERTY IS LOCATED IN KINGS TRACE PUD, AT 309 MYSTIC CASTLE DRIVE

Proof of publication of the notice of public hearing regarding PLANAPPL 2010-01, Planning Appeal Kings Trace, was received, having been published in *The St. Augustine Record* on May 31, 2010.

Mike Roberson, Planner I, Growth Management Services, gave the presentation and reviewed the history of the appeal and noted that the PZA had denied the appeal on April 1, 2010, with a 3/2 vote. He reviewed the approved site plan and the mistake that had been made with the property line when it had been tweaked to accommodate changes to the garage layout. He said they were requesting a 2.58 foot setback, as opposed to the 5 foot setback.

(10:38 a.m.) Stevenson declared ex parte with Jesse Kilibrew and Karen Taylor. Sanchez said he spoke with Taylor and Kilibrew. Mays said he spoke with Taylor. Bryan said he spoke with Taylor. Quinn said he spoke with Taylor, Kilibrew and had e-mail conversation with the neighbor, Mr. Anthony Ray (Exhibit B).

(10:39 a.m.) Karen Taylor, 77 Saragossa St., said Mr. Kilibrew and Mr. Shee were also present. She reviewed the request and explained that the lot was an odd sized half cul-de-sac lot and explained why the lot had been laid out that way (*Exhibit A*). She noted there was no longer a buyer for the property because it had taken too long to settle the matter. She said the problem arose when the buyer originally decided to flip the side of the garage, which jutted into the corner of the property line. She said the house should have been realigned at that time but remained in the original alignment. She said the encroachment was 9.6 inches into the 5 yard setback. She said the eave jutted another 1.33 feet into the 5 foot setback. She said the measurement between the buildings was 10.38 feet wall to wall. She said, with the eave, the projection was more than 1.33 feet. She said in order to get the footage needed, the garage would have to be cut out by 3.5 feet and that would not work. She said the eave could be cut back.

(10:46 a.m.) Taylor stated that there were concerns with the neighbor. She said Kilibrew and Shee met with the neighbors to see if they could be satisfied. The builders offered landscaping and fencing which were declined. Options offered to the neighbor were reviewed. She said the option of leaving the alignment where it was, offered the greatest privacy to the neighbor. Taylor noted that changing the alignment was problematic because of all the plumbing installations. She said they had the option of going back to Site Plan A, but it was a difficult lot. Mays said this was simply one of hundreds of cul-de-sac lots and the surveyor should have realized the problem. Taylor explained that an unusual situation for the lot was a reason for a variance. She said the surveyor made a mistake, which led to the builder's mistake.

(10:51 a.m.) Sanchez said he had previously been a contractor and had looked at the project that way. He said the plan was something that was to be checked and double checked, and he did not understand it. He said he had a problem with it, and not only with the eave. He said the house needed to go where it was supposed to go. He said the builder was responding to the customer at the time.

(10:53 a.m.) Taylor said yes, an honest mistake was made, and the way the lot was laid out contributed to that. She said the buyer changing his mind was another reason. She said the clearance between the houses met the codes, and based on that, they should grant the variance.

(10:54 a.m.) Stevenson asked if there was a margin of error allowed administratively in the industry for minor industries. Taylor said yes, but it was only with the eave. She said the point for measurement was at the corner. She added there was a 9.6 inch encroachment of the foundation. The eave was a 1.33 foot eave, and they would be willing to reduce the eave. She said the total encroachment was about 2 feet.

(10:56 a.m.) Bryan said he could not help but think in terms of the neighboring house. He said the e-mail he read caused concern, and he could not support the variance. He said they had to learn from those mistakes and move on. Sanchez voiced concern for all the people who had obeyed the rules. He said it would be setting a precedent. Mays said he had the same concerns. He said the builders were men of integrity, and were unfortunate to be the victims of a surveying error. Quinn said the PZA ruled and recommended correctly, and he could not support the variance.

**(10:59 a.m.) Motion by Bryan, seconded by Mays, to deny Planning Appeal 2010-01 Kings Trace - Lot 59, findings of fact one through four, to deny the appeal.**

James Whitehouse, Assistant County Attorney, asked the maker of the motion on Condition No. 2 of the suggested findings, to consider adding the specific section that talks about requiring criteria for a variance. It would read **“request is not consistent with section 5.03.05B and 10.04.06B requiring that any such request meet the requirement for a variance. The maker and second of the motion accepted the suggestion. Motion carried 5/0 to deny the appeal.**

(08/03/10 - 15 - 11:01 a.m.)

District 2

7. PUBLIC HEARING - DEVAGREE 2009-05 - SR 16 CPA DEVELOPMENT AGREEMENT. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS FOR THE SR 16 CPA DEVELOPMENT AGREEMENT. THE PROPOSED AGREEMENT IS ASSOCIATED WITH THE SR 16 COMPREHENSIVE PLAN AMENDMENT (COMPAMD 2009-04) TO ADDRESS ADEQUATE TRANSPORTATION CAPACITY, AND THE PROVISION OF ADEQUATE WATER AND WASTEWATER CAPACITY FOR THE DEVELOPMENT OF UP TO 330,000 SQ. FT. OF COMMERCIAL USES, INCLUDING A MAXIMUM OF 200,000 SQ. FT. OF RETAIL USES IN THE PROPOSED CPA. THE DEVELOPMENT AGREEMENT IS STILL IN DRAFT FORM PENDING APPLICANT RESPONSE TO OUTSTANDING STAFF COMMENTS, AND FINALIZING THE PROJECT'S PROPORTIONATE SHARE MITIGATION. STAFF WILL CONTINUE TO WORK WITH THE APPLICANT TO FINALIZE THE AGREEMENT. THE PROPOSED DEVELOPMENT AGREEMENT WILL BE IN FINAL FORM FOR THE 2ND PUBLIC HEARING SCHEDULED FOR AUGUST 17, 2010

Proof of publication of the notice of public hearing regarding DEVAGREE 2009-05, SR 16 East of SR16/International Golf Parkway Intersection, was received, having been published in *The St. Augustine Record* on July 19, 2010.

Phong Nguyen gave an overhead presentation and explained the project. He stated that the purpose of the Agreement was to outline the improvements necessary to mitigate the impacts resulting from the Development to demonstrate that the County's Comprehensive Plan, as amended by the Plan Amendment, was financially feasible. He

noted that staff had issues with the Transportation Plan and explained those concerns. He said staff felt it would place the County in a position of potential increased financial liability.

(11:07 am.) Sanchez reiterated that the County would be obligated if things did not work out. He noted that item No. 8 was also related and asked if they should be heard together.

(11:07 a.m.) Whitehouse said they could be done together and Item 8 was dependent upon Item 7.

(11:08 a.m.) Stevenson asked Nguyen what the marginal trip impact would be for the proposed change in Item 8 from the current land use. Nguyen said based on 300,000 square feet of commercial and up to 200,000 in retail, it would be a net impact of 892 peak hour trips to the system than under the existing land use.

(11:11 a.m.) Quinn asked about the payments in installments and if there was a shortfall. He asked the shortfall amount. Nguyen said it was the difference between \$3.1 to \$2.78 million if the applicant agreed to fund its proportionate fair share. He noted this amount was increased from the original proposed contribution of \$2.4 million which was not sufficient to fund the \$3.1 million dollar project. He added, that historically the County had not allowed partial contributions to fund an unfunded CIS project.

(11:12 a.m.) Wanchick said that day was the first reading, and staff did not have a problem of moving through the process and allowing the parties to work on a resolution prior to the second hearing.

(11:12 a.m.) George McClure, 82 King Street, Suite 2, Gary Silverfield was present also. He said staff had worked closely with them on the matter and it had been a pleasure to work with them. He said he felt they would ultimately reach a number on their fair share. He reviewed the aerial shot and said that they were already in the development area which was designated Residential B. He said they could ask for Neighborhood Scale Commercial and had originally asked for Intensive Commercial. He said they had asked for Community Commercial originally which supported a broader area. He said that allowed mini warehouses as well as a drive through restaurant. He added they could do some amount of commercial already. He said the Department of Community Affairs (DCA) wanted them to address the transportation impact on the area. He said they responded that they had to comply with DCA's rules to address the transportation impacts. He said they could only do 2,000 square feet of retail and 300,000 square feet of commercial. He said they went back to look at the proportionate share. He said new trip counts had been made available to them by staff at the end of June, and they used that to calculate their proportionate fair share. He stated that currently their proposal did not allow any residential in Community Commercial. He said Mr. Silverfield was confronted with a problem; \$2.78 million, or \$100,000 per acre for costs of transportation. He said if the cost increased over the next five years they would have to pay the increase, but if conditions improved they would still have to pay \$2.78 million. He explained the improvements currently being made in that area which would reduce or eliminate their requirement to pay impact fees. He said they needed guidance from the Board on the phasing of the payments on the project, and noted it would give them a chance to work together with others in the area on the road improvements in the area. He said their wish was to ask their blessing to continue the discussion with the Department of Community Affairs. He added that it was going to be recommended that on Item 8 that it be continued until the next meeting. He said he would like to have



a discussion with them on if they could have some direction from staff to develop language with the DCA.

(11:28 a.m.) Sanchez said he was not interested in even \$1 of credit that would put the County in trouble later. He said they were in no position to be talking about it. McClure said that the \$3.1 million was probably taken from the DOT statewide estimates to the cost of construction of going from a two-lane to a four-lane divided. He said they thought the number might be less than what their proportionate share was because if there was a right of way number in the \$3.1 million, they did not have to acquire right-of-way, because the World Commerce Center was providing the right-of-way, and it included engineering costs. He said the World Commerce Center was engineering the four-lane road for them. He stated that he needed to check with staff.

Sanchez said there were still too many questions without answers and work needed to be done before he could make any decisions.

(11:29 a.m.) Bryan agreed and said he had voted against it because he had concerns. He said everything was contingent. He said he would not commit the County to one single dollar. He said he would support continuation of talks, but there was no way he could support any financial commitment.

(11:31 a.m.) Stevenson said it was a difficult area and the County acquired the right-of-way at a respectable cost. She said it would be a great corner spot. She said limiting the residential use was desirable, but was not the only objective of the Board. She added there would be no assurance that the money would be present with the four-lane. She said it was important for them to have the resources before moving forward, and the transportation issues were serious.

(11:35 a.m.) Quinn asked if the second hearing date was hard and fast. McClure stated it was.

(11:36 a.m.) Mays said it was not clear what was happening and that made it difficult to make decisions. He asked that they provide more clarity with fewer variables.

(11:37 a.m.) Sanchez said the developers needed to go back to staff for work on that item.

**(11:37 a.m.) Nguyen announced that August 17, 2010 would be the date for the 2<sup>nd</sup> public hearing before the Board of County Commissioners.**

(08/03/10 - 17 - 11:37 a.m.)

District 2

8. PUBLIC HEARING - 2009-04 SR 16 - COMPREHENSIVE PLAN AMENDMENT. THE SUBJECT COMPREHENSIVE PLAN MAP AMENDMENT, PROPOSED BY SUNSHINE LAND HOLDING, LLC, FOR 33.29 ACRES, ORIGINAL REQUEST WAS TO CHANGE THE LAND USE FOR THIS PARCEL FROM RESIDENTIAL B TO INTENSIVE COMMERCIAL. THE BOARD TRANSMITTED THIS REQUEST TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) AT THE MARCH 16, 2010 MEETING. HOWEVER, THE BOARD REQUESTED THE APPLICANT AND THE MURABELLA COMMUNITY RESIDENTS TO WORK TOGETHER TO DISCUSS THE PROPOSED LAND USE DESIGNATION. AS A RESULT, THE APPLICANT, MURABELLA RESIDENTS, COMMISSIONER SANCHEZ AND COUNTY STAFF MET SEVERAL TIMES THAT RESULTED IN AN AGREEMENT TO CHANGE THE PROPOSED LAND USE DESIGNATION TO COMMUNITY COMMERCIAL AND ADD A NEW POLICY TO THE FUTURE LAND USE ELEMENT TO LIMIT THE OVERALL

PROPOSED PROJECT SIZE, PROVIDE SIZE LIMITATIONS ON THE PROPOSED COMMERCIAL FOR STAND ALONE AND IN A LARGER BUSINESS CENTERS AND DESIGN STANDARDS TO ENSURE COMPATIBILITY WITH THE ADJACENT NEIGHBORHOOD AND ADDRESS THE BIG BOX CONCERNS. THIS AMENDMENT IS PART OF THE DECEMBER 2009 REGULAR CYCLE AND IS REQUIRED TO BE ADOPTED IN THIS AMENDMENT PACKAGE. FOR THIS REASON STAFF REQUESTS THE BOARD CONTINUE THIS ITEM TO AUGUST 17, 2010, FOR FINAL ACTION

Proof of publication of the notice of public hearing regarding 2009-04, SR 16 Comprehensive Plan Amendment, was received, having been published in *The St. Augustine Record* on June 3, 2010.

**(11:37 a.m.) Motion by Sanchez, seconded by Mays, carried 5/0, to continue this item to August 17, 2010, for final action.**

(11:38 a.m.) McCormack said that in terms of land use, when something had a comprehensive plan land use, the property was eligible for certain uses if certain requirements were met. He said there had been discussion about entitlement to uses and that type of thing. He said generally, that comprehensive land use did not entitle a particular use; it made it eligible, if certain criteria were met.

(08/03/10 - 18 - 11:39 a.m.)

9. PUBLIC HEARING - 2025 COMPREHENSIVE PLAN. THE 2025 COMPREHENSIVE PLAN WAS TRANSMITTED BY THE BOARD OF COUNTY COMMISSIONERS TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) ON MARCH 16, 2010. THE DCA ISSUED ITS OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) REPORT ON MAY 28, 2010. THE ORC REPORT PROVIDED OBJECTIONS WITH RECOMMENDED ACTIONS THE COUNTY MUST CONSIDER PRIOR TO ADOPTION OF THE 2025 COMPREHENSIVE PLAN. DCA ISSUED OBJECTIONS TO OBJECTIVES AND POLICES IN THE LAND USE, INFRASTRUCTURE, COASTAL MANAGEMENT/CONSERVATION AND CAPITAL IMPROVEMENTS ELEMENTS. THE DCA OBJECTIONS MAINLY PERTAINED TO CLARIFYING POLICIES TO PROVIDE CONSISTENCY WITH FLORIDA STATUTE, INCORPORATE ENERGY POLICIES INTO THE LAND USE ELEMENT, DEFINE A MIXTURE OF USES ALLOWED IN THE MIXED USE DISTRICTS AND CLARIFY TERMS AND CONCEPTS USED IN THE PLAN. STAFF HAS ADDRESSED THESE OBJECTIONS ACCORDING TO THE DCA'S RECOMMENDATIONS AND REVISED THE PLAN AS NECESSARY. IN ADDITION, THE FLORIDA WILDLIFE FEDERATION (FWF) PARTICIPATED IN THE REVIEW OF THE 2025 PLAN. STAFF MET WITH FWF REPRESENTATIVES AND MADE AGREED UPON CHANGES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL ON JUNE 17, 2010. THE 2025 COMPREHENSIVE PLAN IS PART OF THE DECEMBER 2009 CYCLE OF AMENDMENTS, WHICH ARE REQUIRED TO BE ADOPTED IN A PACKAGE. FOR THIS REASON, STAFF REQUESTS THE BOARD CONTINUE THIS ITEM TO AUGUST 17, 2010 FOR FINAL ACTION

Proof of publication of the notice of public hearing regarding the 2025 Comprehensive Plan was received, having been published in the *St. Augustine Record* on June 3, 2010.

Teresa Bishop, Long Range Planning Director, gave the presentation. She explained the 2025 Comprehensive Plan and the changes that had been made due to DCA's requests. She said they had worked close with the Florida Wildlife Federation and had

incorporated changes that they had recommended and had made those changes as well. She added that they had made changes to the PRD policy as requested. She said it was a recent change and had not been heard by the PZA and they could take it back on Thursday, but staff felt that it was pretty minor. Whitehouse acknowledged that it would be ok. She said they were requesting that it be continued until August 17. She said DCA then had 45 days to review it, and they had a 21 day appeal period. If there were no problems, it would go into effect. She added that if it was found to be not in compliance, DCA could request a Division of Administrative Hearing and the County would begin compliance discussions with the DCA. She said PZA had approved it at the June 17, 2010 meeting and staff recommended approval.

**(11:45 a.m.) Motion by Bryan, seconded by Mays, carried 5/0, to continue the 2025 Comprehensive Plan to August 17, 2010 for final action.**

(08/03/10 - 19 - 11:45 a.m.)

10. CONSIDER TWO APPOINTMENTS TO THE ADJUSTMENT & APPEALS BOARD

Melissa Lundquist, BCC Coordinator, gave the presentation.

**(11:46 a.m.) Motion by Bryan, seconded by Mays, carried 5/0, to re-appoint James Quinn to the Adjustment & Appeals Board for a full two-year term scheduled to expire August 3, 2012.**

**(11:46 a.m.) Motion by Sanchez, seconded by Bryan, carried 5/0, to re-appoint Charles Metcalf to the Adjustment & Appeals Board for a full two-year term scheduled to expire August 3, 2012.**

(11:47 a.m.) Lundquist said there were two other vacancies and if anyone else was interested they could apply.

(08/03/10 - 19 - 11:48 a.m.)

10A. CONSIDER AN APPOINTMENT TO THE HIV HEALTH SERVICES PLANNING COUNCIL

Lundquist stated that the 35 member Council's priorities were for allocation of funds for organization and delivery of HIV health services. She said funding came from Title I from the US Department of Health and Human Services and it covered Duval, Clay, Nassau and St. Johns County.

**(11:49 a.m.) Motion by Sanchez, seconded by Quinn, carried 5/0, to recommend appointment of Ms. Elaine Mathews to the HIV Health Services Planning Council to fill a two-year term scheduled to expire August 3, 2012.**

(08/03/10 - 19 - 11:49 a.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson said there had been some concerns about revenue capture regarding the zip code designation and said they were working on that matter. She noted that she had done some research on the matter and it was important to close the loopholes and to look at ideas to recapture those recurring revenue streams. She said the St. Johns River Summit was going to be held September 15 & 16 and would provide an opportunity for people interested in blueways and trails and ecotourism. She said she had also asked for

expert testimony to be presented to the Commission on the fish kill in the St. Johns River. She asked the Board to support having someone report on the update of the health of the river. *There was Board consensus to do so.* Wanchick said it would be in the future due to heavy agenda schedules, but they would schedule it on the first light agenda. She noted the Public Safety Coordinating Council would be held on September 10, and they would be meeting quarterly. She said she had attended the Aviles Street commencement festival and it was very nice to see the progress on that project. She said she had attended a few quarterly events. She said at a Chamber networking luncheon, she had talked with a radio executive from WFOY, and he invited her and Marge Cirillo from the Small Business Administration to talk on the radio about small business opportunities, which had been made available by the Commission for economic development.

(11:55 a.m.)

Commissioner Mays:

Mays said he had received some e-mails regarding going back to a seven member board and with placing some items on the ballot, as well as strengthening requirements for people running for district seats. He said it would require a real overhaul of the system and could not be easily placed on the ballot. McCormack said there had been a Florida statute requiring residency which was overturned by the Florida Supreme Court. He said that counties, by charter, could change that rule. Sanchez asked if there was a stipulation that they had to establish residency before they were sworn in. McCormack said it read "at the time of election". Stevenson said that someone who was not a county resident could run and establish residency afterwards. She said there should be some requirement for residency. McCormack said he had not looked at out of state or out of county regulations.

(11:59 a.m.)

Commissioner Sanchez:

Sanchez said in their effort to support the agricultural community, Jerry Cameron, Assistant County Administrator, along with staff, had attended the Florida Small Farms Conference in Orlando. He said they brought back some ideas to make small farms more viable. He thanked them for their efforts to ensure agriculture in our county. He said the study, commissioned with the University of Florida, was well under way and a report would be ready in September to support farming in St. Johns County. He said farming was very important to St. Johns County. He said there were issues about Harvest of Hope and it was an on-going review, and anyone interested could contact Jerry Cameron.

(12:01 p.m.)

Commissioner Bryan:

Bryan said he had received calls regarding foreclosure of properties. He said some places were becoming problems and asked staff to explore what was being done in Ponte Vedra to be able to address some of the issues that were involved with the upkeep of foreclosed properties. He asked for Board support on that issue. He said he also had some complaints from individual businesses regarding the Overlay Committee because it was so difficult to get approval from that committee. He said they needed to look at the guidelines they were using and whether they were even needed any more. He said their constraints were discouraging new business development. He commented on the Firefighters Union and the stance they had taken and said he was disappointed. He said the County was not hiding any money. He stated that reserves were there for a specified purpose and those reserves could be wiped out with one

emergency. He proposed that they look at integrating volunteers into the St. Johns County Fire Department and outsourcing ambulance services. He said they could not bankrupt the County in order to provide required services. He asked for Board support. Sanchez said he had no problem with getting information together.

(12:07 p.m.) Stevenson said they had to be aware of providing services cost effectively. She said unfortunately there was a disconnect with Fire Services about the reality of the budget. She noted that they had lost 6% of their union membership. She said "frugal" was going to be the new thing, and everybody was doing it. She said she would support the recommendation Bryan had made. Quinn said he would support it as well.

(12:09 p.m.)

Commissioner Quinn:

Quinn thanked staff again for their support for helping him with various issues. He mentioned that he started duties on Thursday with the Canvassing Board to test the voting equipment. He noted that yesterday he traveled to Camp Blanding and met with a group who were going to Afghanistan and asked everyone to remember them and their families.

(08/03/10 - 21 - 12:10 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick said that the Florida Communities Trust application was funded for the Usina Boat Ramp and they would be receiving in excess of \$1 million for that project. He said the Council on Aging's building, for their Transit Center, would have their grand opening in early October. He noted it was funded by Federal Transit Administration funds for the most part. He noted there was a \$93,000 furniture request that did not have to go to the Board of County Commissioners as long as the purchase was under \$100,000. He said it had been bid and was fully in compliance with all purchasing requirements. He said he wanted to inform the Commission they would move forward with the purchase of furniture so they would have it in time. He said he had provided a copy of "Destinology", a publication by PGAV Destinations, the consultants who did the Destination Master Plan. He said it was their promotional piece which gave a clear overview of the attributes and showcasing of St. Johns County.

(12:13 p.m.) Darrell Locklear, Assistant County Manager, said an application had been made for a large parcel of land to the Florida Forever program. He asked for Board consensus to submit a letter from Administration to the State in support of the application. He gave the specifics of the parcel, the proposed subject of a DRI at SR 206 and I 95. *There was Board consensus to support the application.*

Locklear said another pursuit of funding was the Tiger Grant, through Transportation, Federal Funds within the stimulus program. He said the last round of Tiger Grants had a requirement to be over \$100 million in size and it had to be shovel ready. He said there was a second round of Tiger Grants and the threshold had been lowered to \$10 million, and they were pursuing that through the DOT. He said they had identified one that could be eligible, and they had submitted a pre-application. He said they had not received feedback and would be informed only whether they were eligible or not. The project was at 210 and US 1, the proposed overpass. He said it met all the Federal requirements. He explained that it was in the neighborhood of \$20 million, and it would require \$40 to \$50 thousand in order to make the application. He said they had funds available through the Transportation Trust Fund and they wanted to be sure the Board was on-board. Sanchez said he had no problem with it. Mays asked if they met all the requirements. Locklear said they were fairly confident that they met the

requirements. Wanchick said if they were not approved, they could still use the information acquired during the project. Stevenson said it was an evacuation route and that was important.

(08/03/10 - 22 - 12:21 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack commented on the nuisance of foreclosed properties. He said it was not for overgrown grass, but for real nuisances that had not been touched in months and which caused property devaluation in the area. He asked for consensus to move on an ordinance to explore potential solutions for neglected properties, due to foreclosures. Bryan said that was what he was looking for. He said it would put a burden on Code Enforcement. Stevenson asked if they would dispatch someone to clean the yard and bill the owner. McCormack said that would be one of the options but the bank or mortgage holder could be held responsible. She said she would like to see it attached to the property as much as possible. *There was Board consensus to proceed with investigating those types of regulations.*

McCormack discussed the Overlay District Committees and said they were public servants who tried to do the correct thing. He said they could, at times, be overly zealous. He said ultimately they were a good thing and added value to the property in the overlay district. He said they could reach out to staff if there were case by case issues that needed resolution. He said they were valid concerns and most of the activity done by overlay districts was valuable to the community. Bryan commented that he agreed, but they needed to look at the criteria they were utilizing to make decisions.

(12:28 p.m.) Stevenson said she had received comments on that issue as well, and said she had talked with Suzanne Konchan, Director Growth Management Services, about having some things to help expedite the process, like a style book that might help them get through the process faster and help to streamline the process.

(08/03/10 - 22 - 12:29 p.m.)

CLERK OF COURT'S REPORT

No report.

With there being no further business to come before the Board, the meeting adjourned at 12:29 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 458765 through 458998, totaling \$786,389.75 (07/20/10)
2. St. Johns County Board of County Commissioners Vouchers, Voucher Range 2911 through 2974, totaling \$997,052.60 (07/20/10)
3. St. Johns County Board of County Commissioners Check Register, Check No. 58999, totaling \$10,078.25 (07/20/10)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 459000 through 459303, totaling \$1,953,400.92 (07/27/10)
5. St. Johns County Board of County Commissioners Vouchers, Voucher Range 2975 through 3086, totaling \$969,850.96 (07/27/10)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 459304 through 495314, totaling \$185,912.78 (07/28/10)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance No. 2010-23, Exhibit 5, Table 6.17 (07/15/10)
2. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing Ordinance No. 2010-25 (07/26/10)

Approved August 17, 2010

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: *Ron Sanchez*  
Ron Sanchez, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: *C. Strickland*  
Deputy Clerk

