

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
APRIL 6, 2005  
9:00 A.M.**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and 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:           Bruce A. Maguire, District 4, Chairman  
                          James E. Bryant, District 5, Vice Chair  
                          Cyndi Stevenson, District 1  
                          Karen R. Stern, District 2  
                          Ben Rich, District 3  
                          Ben W. Adams, Jr., County Administrator  
                          Michael Hunt, Deputy County Attorney  
                          Terry Bulla, Deputy Clerk

Also present:           Cheryl Strickland, Clerk of Court

(04/06/05 - 1 - 9:00 a.m.)  
Maguire called the meeting to order.

(04/06/05 - 1 - 9:01 a.m.)  
ROLL CALL

Maguire stated that all five commissioners were present.

(04/06/05 - 1 - 9:01 am)  
A moment of silence was held in memory of the Pope. The Invocation was given by Rich and the Pledge of Allegiance was led by Bryant.

(04/06/05 - 1 - 9:04 am)  
PROCLAMATION DESIGNATING APRIL 4-8, 2005 AS "SERVE THE CHILDREN"  
WEEK

The proclamation was read by Stevenson and was presented to Lilli Copp, State of Florida Even Start Coordinator. Also present were coalition members: Kathy Mankinen, Florida School for the Deaf & Blind; Deanne Grayson, Director of Readiness Coalition; Diane Coil, Health Department; and Ann Breidenstein, United Way.

(04/06/05 -1 - 9:09 am)  
PROCLAMATION DESIGNATING APRIL 10-16, 2005 AS NATIONAL COUNTY  
GOVERNMENT WEEK

The proclamation was read by Bryant and presented to Rick Mills, Road & Bridge Department; Greg Caldwell, Engineering Project Coordinator; Chief Robert Hall, Fire & Rescue; Joseph McDermott, Assistant County Veterans Service Officer; Harold George, Library Services & Paul Sturdivant, Animal Control. Chief Hall accepted on behalf of all employees of the County.

(04/06/05 - 2 - 9: 13 a.m.)

PROCLAMATION DESIGNATING APRIL 2005 AS SEXUAL ASSAULT AWARENESS MONTH

The proclamation was read by Rich and presented to Alison Rose, the Betty Griffin House.

(04/06/05 - 2 - 9:18 a.m.)

PROCLAMATION DESIGNATING APRIL 2005 "NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK"

The proclamation read by Maguire and was presented to Jeremy Robshaw on behalf of St. Johns County Fire & Rescue Dispatch, St. Johns County Sheriff's Office Dispatch & the City of St. Augustine Police Department Dispatch and all telecommunicators in St. Johns County.

Bryant recognized Linda Stoughton & Ray Ashton for National attention they received during the last hurricane season.

(04/06/05 - 2 - 9:23 a.m.)

ACCEPTANCE OF PROCLAMATIONS

**Motion by Bryant, seconded by Stern, carried 5/0 to approve the proclamations.**

(04/06/05 - 2 - 9:24 a.m.)

PUBLIC COMMENT

There were no public comments.

(04/06/05 - 2 - 9:24 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the consent agenda.

(04/06/05 - 2 - 9:24 a.m.)

APPROVAL OF CONSENT AGENDA

**Motion by Bryant, seconded by Stern, carried 5/0, to approve the consent agenda.**

1. Approval of the Cash Requirement Report
2. Sheriff Bonds:  
Approve: Arnold Bandy                      Meagan Tombaugh                      Jennifer Clay  
  
Cancel: Joseph Stamps                      Ronald Shugart                      Kelli Koleilat  
                    Oscar Mariano                      Michael McCormick
3. Motion to authorize the Sheriff's Office to submit an application for participation in the Department of Justice' Bulletproof Vest Partnership Grant Program for Fiscal Year 2006
4. Motion to authorize the County Administrator, or his designee, to purchase the Cisco IP Telephony Equipments from the responsive low bidder, Digital Intelligence Systems Corporation, in the amount of \$153,427.10

5. Motion to adopt **Resolution No. 2005-87**, accepting a donation of property located on County Road 208 east of Pacetti Road from the surviving president of Bakersville Volunteer Fire Department, a dissolved Florida corporation, to St. Johns County for County purposes

**RESOLUTION NO. 2005-87**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DONATION OF PROPERTY LOCATED ON COUNTY ROAD 208 EAST OF PACETTI ROAD FROM THE SURVIVING PRESIDENT OF BAKERSVILLE VOLUNTEER FIRE DEPARTMENT, A DISSOLVED FLORIDA CORPORATION TO ST. JOHNS COUNTY FOR COUNTY PURPOSES**

6. Motion to adopt **Resolution No. 2005-88**, approving the terms and conditions of a 1st Amendment to the Purchase and Sale Agreement approved by Resolution No. 2005-60 for acquisition of property for expansion of Palmo Boat Ramp and authorizing the County Administrator to execute said Amendment

**RESOLUTION NO. 2005-88**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A 1ST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT APPROVED BY RESOLUTION NO. 2005-60 FOR ACQUISITION OF PROPERTY FOR EXPANSION OF PALMO BOAT RAMP AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AMENDMENT**

7. Motion to adopt **Resolution No. 2005-89**, approving a Final Plat for Cottages at Hidden Lakes

**RESOLUTION NO. 2005-89**

**RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR COTTAGES AT HIDDEN LAKES**

8. Motion to adopt **Resolution No. 2005-90**, approving a Final Plat for Saint Johns Six Mile Creek North Unit 6, Parcels 27, 28, 29 and 31

**RESOLUTION NO. 2005-90**

**RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK NORTH UNIT 6 PARCELS 27, 28, 29 AND 31**

9. Motion to adopt **Resolution No. 2005-91**, approving a Final Plat for Whisper Ridge Unit Seven

**RESOLUTION NO. 2005-91**

**RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
APPROVING A SUBDIVISION PLAT FOR WHISPER  
RIDGE UNIT SEVEN**

10. Motion to schedule August 9, 2005 as the public hearing date for the proposed Twin Creeks Development of Regional Impact (DRI) comprehensive plan amendment (COMPAMD 2004-08) and DRI application (DRI 2004-01)
  
11. Proofs:
  - a. Proof, Notice to Bidders, RFQ No. 05-77
  - b. Proof, Notice to Bidders, RFP No. 05-72
  - c. Proof, Notice to Bidders, ITB No. 05-82
  - d. Proof, Notice to Bidders, Bid No. 05-08
  - e. Proof, Notice to Bidders, Bid No. 05-78
  - f. Proof, Notice to Bidders, Bid No. 05-87
  - g. Proof, Notice of Meeting, Special/Private Meeting of the Board of County Commissioners, Settlement negotiations for lawsuit between Marcus Fuller and St. Johns County, Wednesday, March 9, 2005 at 8:00 a.m.
  - h. Proof, Notice of Meeting, Canceled Water/Sewer Authority, Tuesday, March 8, 2005 at 9:00 a.m.
  - i. Proof, Notice of Meeting, Special Meeting of the Board of County Commissioners, Land Development Code Ordinance Amendment, Wednesday, March 16, 2005 at 5:30 p.m.
  - j. Proof, Notice of Meeting, Special/Private Meeting of the Board of County Commissioners, Settlement negotiations for lawsuit Whetstone vs. St. Johns County, Wednesday, March 23, 2005 at 8:00 a.m.
  - k. Proof, Notice of Public Hearings/Special Meetings, St. Johns County Board of County Commissioners, Establishment of Ordinances/Regulations affecting Land Use, Wednesday, March 2, 2005 at 9:00 a.m. and Wednesday, March 16, 2005 at 5:30 p.m.
  - l. Proof, Public Notice, Applications for Special Magistrates, St. Johns County Value Adjustment Board
  - m. Proof, Notice of Meeting, Joint Special Meeting, St. Johns County Board of County Commissioners and Jacksonville City Council, Monday, March 21, 2005 from 1:30 p.m. until 4:30 p.m. at the Northeast Regional Planning Council Office
  - n. Proof, Certificate of Liability Insurance, St. Johns River Construction, Inc.
  - o. Proof, Certificate of Liability Insurance, B.N.C., Inc.
  - p. Proof, Certificate of Liability Insurance, J & H Waterstop, Inc.
  - q. Proof, Certificate of Liability Insurance, Arwood, Inc.
  - r. Proof, Certificate of Liability Insurance, Arrow Waste, Inc.
  - s. Proof, Certificate of Liability Insurance, Cornerstone Team, Inc., et al
  - t. Proof, Certificate of Liability Insurance, Entegeee, Inc.
  - u. Proof, Certificate of Liability Insurance, Oasis Outsourcing, Inc.

(9:24 a.m.) Stevenson left the meeting.

(04/06/05 - 4 - 9:25 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire added item number 14, Resolution Clarifying Procedures for Vesting of Non-Residential Permit Applications in the Impact Fee Guidelines and Procedural Manual.

Maguire stated he wanted to move item number 12 after item 14 for the afternoon session. He said that item number 13, Report and Discussions of St. Johns Service Company was a time certain event at 1:30 p.m., and would be followed by item 14 and then item 12.

(04/06/05 - 5 - 9:26 a.m.)

#### APPROVAL OF REGULAR AGENDA

**Motion by Bryant, seconded by Stern, carried 4/0 with Stevenson absent, to approve the Regular Agenda as amended.**

Maguire noted that none of the speaker lights on the dias were working and requested assistance. He instructed the commissioners to signal him if they wanted to speak.

At 9:27 a.m. Stevenson returned to the meeting.

(04/06/05 - 5 - 9:27 a.m.)

#### 1. RENEWAL OF THE COUNTY ADMINISTRATOR'S CONTRACT

Hunt stated he was presenting on the behest of Dan Bosanko, County Attorney. He stated that the Board of County Commissioners had requested renewal of the County Administrator's contract for a term of three years, with a range of proposed salaries. He explained that the current contract would expire on November 30, 2005. He stated the proposed contract was attached as Exhibit A and the Range of Proposed Salaries was attached as Exhibit B. Additionally he noted additional Exhibit items C through L, including previous renewed contracts for Ben Adams. He gave a brief history of Adams' previous contractual history from December 1, 2003 through November 30, 2005 with a provision for a 5 percent raise over his current salary. He explained that other than cost of living increases; no other increases had been granted during that time.

Bryant stated that he supported the new contract, and had done extensive research on Adams as well as other applicants in 1997 with only positive recommendations. He noted he relied heavily on Adams' military background and suggested that it was an excellent training ground for running the County's 1,100 employees. He said he was eminently qualified for the position.

Rich questioned Hunt regarding the extension of contracts in two-year increments. He noted the current contract was for a three-year extension. Hunt stated that both statements were correct. Rich expressed concern that by changing the contract from two to three years, they would be making a substantive change to the contract that could have effect with EEO, Affirmative Action, or would require the contract be amended prior to awarding the contract. He stated that if the change was considered substantial enough, it might require that the original position be re-announced to allow it to go up for competitive bid. He stated he would not support anything that would put the contract in jeopardy and cause it to be brought under question because of improper actions by the Board. He asked Hunt if he was completely satisfied with going outside the provisions of the contract and awarding it for a period of time which was not allowed contractually.

Hunt stated it was not an extension of an original contract but was actually a new contract, and the question then became whether the Board could do that within its own rules and confines. He suggested that if the proposed salary increase exceeded \$2,000 or 5 percent, they would be looking at a new contract. He summarized that it was a different contract and that the Board had the contractual authority with respect to the County Administrator to approve a new contract, but that it had to be by Board consensus.

Rich questioned whether the new contract had provision for extension in two-year increments. Hunt responded that it did. He stated that he had no issue with Adams having his contract extended in two-year increments, but that he did have a problem with awarding a completely different contract, which would place Adams in jeopardy and possibly cause him to have to compete for the job that he presently filled. Rich also questioned the timeliness of the process. He stated he would not support a three-year extension of the contract.

Stern stated she strongly supported Adams' leadership and the extension of the contract as proposed but would even be willing to extend it for four years. She noted that Hunt had clarified that it was a new contract and as such should not present a problem for the Board. She said she had talked with numerous individuals in the community and all had praised Adams for his great leadership to the County at a time when it was sorely needed. She stated that he had worked very hard with surrounding counties and that they all spoke highly of him as an outstanding leader and manager.

Stevenson said she would be happy to give Adams a vote of confidence, and that her experiences had been consistent with what she had heard from the other commissioners. She questioned Hunt regarding termination of the contract. Hunt explained that there were several ways in which that could occur but that provisions were made within the contract for such action and that a simple majority vote was necessary. She stated that she was more comfortable with a two-year renewal, but that she would go along with the leadership of the Board due to her limited experience with contract renewal. She noted that her experience indicated that Adams had been a very good leader.

Bryant stated that he had previously brought the contract to the Board in April or May. He further stated that Adams had been born and raised in St. Augustine and when he was hired, took a lower salary as a contribution back to his County. He stated that the proposed \$118,000 was below the average salaries in the area, but that it would, once again, be Adams' contribution back to the County.

Rich noted that he had had extensive experience with contracts and contract renewals. He stated concern that after November 30, 2005, the contract could be attacked. He requested the Board to back off the third year extension, and that he would support a two-year extension. He requested the board to amend the motion to conform with the present contract.

Stern noted the timeliness issue was not a problem based on prior Board actions. She stated that she also had experience with three government leadership position searches which were very extensive, time consuming and costly. She stated there was no reason to pursue a new search in this instance.

Rich stated that with a significant increase in salary there should be a review of duties and responsibilities. He noted that the County had grown in the past seven years, and the duties and responsibilities of the office had not been reviewed during that time. He said he had no issues with Adams' performance but he wanted to ensure the job description accurately portrayed the duties of the position, and that the salary increase could be justified based on the increased duties and responsibilities.

Maguire stated he would support the contract but that the proposed increase was roughly a 30 percent increase. He suggested the Board consider a salary of \$ 113,000, a 25 percent increase.

Stern stated she would support the \$118,000 increase based on the salary survey provided to them. She noted that the St. Johns County Administrator's position was well below that of any of the other comparable counties listed in the survey.

Rich suggested that in the absence of current information regarding Adams' current duties, the Board look at the original salary of \$75,000 in terms of real inflationary dollars so there would be a benchmark from which to work that would be accurate.

(10:02 a.m.) Carl Birchfield, 355 Armas Ave., a lifelong resident St. Johns County, spoke highly in support of Adams.

(10:03 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0 to renew the County Administrator Ben Adams' contract as attached hereto as Exhibit A with an annual salary of \$ 118,000.**

At 10:04 a.m., Adams left the meeting and Zebrowski entered.

(04/06/05 - 7 - 10:04 a.m.)

2. CONSIDERATION OF SETTLEMENT AGREEMENT - VIRGINIA WHETSTONE VS. ST. JOHNS COUNTY VS. CAMP, DRESSER & MCKEE AND METRIC CONSTRUCTORS, INC

Maguire read the proposed agreement and summarized that the County now had an enclosed 40-foot by 40-foot lift station located on property owned by Virginia Whetstone to which the County had no rights. He noted the construction was done entirely outside the boundaries of the staff or any agency of St. Johns County. He said the agreement was against Metric Constructors Inc. and Camp, Dresser & McKee and not against St. Johns County. The agreement would allow St. Johns County to assign its third party claims against Metric Constructors and Camp, Dresser & McKee to Virginia Whetstone. Thereafter she may seek to collect the judgment of \$93,960.66 from Camp, Dresser & McKee or from Metric Constructors Inc. and not against St. Johns County.

(10:08 a.m.) Motion by Stern, second by Rich, carried 5/0, to approve the attached Settlement Agreement for Virginia Whetstone vs. St. Johns County Board vs. Camp, Dresser & McKee and Metric Constructors Inc., in the Circuit Court, in and for St. Johns County, Florida. Case No. CA 98-1501 and to authorize the County Administrator to execute it for the County. (10:09a.m.) **Motion by Stern, seconded by Bryant, carried 5/0 to adopt Resolution No. 2005-92 authorizing the exchange of property between St. Johns County and Virginia Whetstone in accordance with said settlement agreement.**

#### RESOLUTION NO. 2005-92

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES TO COMPLY WITH THE SETTLEMENT AGREEMENT IN THE LAWSUIT VIRGINIA WHETSTONE VS. ST. JOHNS COUNTY VS. CAMP, DRESSER & MCKEE AND METRIC CONSTRUCTORS, INC, IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY, CASE NO.: CA 98-1501.**

At 10:09 a.m., Michael Hunt left. Patrick McCormack entered.

(04/06/05 – 8 - 10:09 a.m.)

3. PRESENTATION ON THE WORKFORCE DEVELOPMENT SERVICES PROVIDED BY WORKSOURCE

Bruce Ferguson, Jr., President & CEO of WorkSource, gave a presentation of services provided by the agency to the Northeast Region: Nassau, Baker, Duval, Clay, Putnam and St. Johns counties. He explained they worked under a state agency known as Workforce Florida Inc. and that they were one of 24 other Workforce boards within the state. He said that the Agency for Workforce Innovation provided support to Workforce Florida, Inc., and the board was made up of both public and private sector individuals including Commissioners Stern, who previously served, and Maguire. He reviewed services WorkSource was required to provide, services they should provide and other pertinent aspects of the agency including funding sources.

(04/06/05 – 8 - 10:25 a.m.)

4. PRESENTATION OF THE NATIONAL SCENIC BYWAY PROGRAM & NATIONAL SCENIC BYWAY IMPROVEMENTS

Vickie Renna, Principal Planner, gave the presentation including the history and the natural and cultural heritage of the Scenic Byway Program. She noted that the Highway A1A Corridor was designated a National Scenic Byway and explained the requirements to receive such status. A Power Point presentation was given and Renna noted it was the same presentation given to representatives from the County when they went to Washington DC.

Renna explained what it meant to be a National Scenic Byway recipient. She said the County was in its infancy but was in the process of securing grants, based on the new status. She stated that it was a unique public/private entrepreneur relationship.

Renna revealed the award given to the County by U.S. Transportation Secretary Norman Y. Mineta.

Meeting break was at 10:45 am. Meeting reconvened at 10:54 am.

Renna continued her presentation on what other Scenic Byways have done in terms of physical improvements to bring out the unique characteristics of the area to capture the identity of the byway.

Maguire stated it was a wonderful program and asked what the Board's future role would be. Renna explained that the Board did not have to vote, but that staff would be looking to the Board for guidance and noted the County should think about the level of service the County could and should provide to the area. She noted it would take a long time for the entire program to be implemented. She explained that funding options were being examined. Maguire questioned what mandates would be put on the County to pay for any improvements. Renna explained the action plan was a wish list and that goals and objectives would be revised over the years. She said there was no State regulated mandate to fund any of their goals. Maguire said he wanted the Board to begin to study what role they wanted to play in the process.

Stevenson said she believed the status was a real plus in trying to secure additional funding from other sources.

(04/06/05 – 8 - 11:10 a.m.)

5. PUBLIC HEARING – REZ 2004-31 DR. SHELTON'S VETERINARY CLINIC - THIS REQUEST SEEKS TO REZONE .32 ACRES FROM COMMERCIAL GENERAL WITH CONDITIONS TO COMMERCIAL GENERAL (CG) IN



ORDER TO CONVERT THE EXISTING BUILDING AND PROPERTY INTO A VETERINARY CLINIC WITH INSIDE KENNELS ONLY. THE CONDITIONS LIMIT THE USE OF THE PROPERTY TO EITHER A COMMUNITY CIVIC CENTER OR COOKING FACILITIES. THE PARCEL IS LOCATED ON THE WEST SIDE OF S.R. 207 JUST WEST OF C.R. 305 IN ELKTON AND IS IN THE RURAL COMMERCIAL LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. CURRENTLY THE PARCEL HAS A RESIDENCE AND THE APPLICANT PROPOSES TO CONVERT THIS INTO A VETERINARY CLINIC AND USE THE EXISTING 30 X 50 FOOT BUILDING ON THE REAR OF THE PARCEL FOR STORAGE. THE CLINIC WILL BE SERVED BY WELL AND AN ONSITE SEWAGE DISPOSAL SYSTEM. ADJACENT ZONINGS ARE RESIDENTIAL SINGLE FAMILY (RS-3) AND COMMERCIAL GENERAL (CG). THE APPLICANTS WERE INITIALLY SEEKING A ZONING CHANGE TO RURAL COMMERCIAL (RC). THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THE REQUEST AT THEIR DECEMBER 2, 2004 MEETING DUE TO CONCERNS THAT THE KENNEL, NOW PROPOSED FOR THE STORAGE BUILDING, WOULD BE INCOMPATIBLE WITH THE SURROUNDING RESIDENTIAL USES. THE APPLICANT HAS MODIFIED THEIR INITIAL REQUEST, THEY ARE NOW ASKING THAT THE ENTIRE PARCEL BE ZONED COMMERCIAL GENERAL (CG). THEY ARE NOW PROPOSING TO HAVE INSIDE KENNEL ON THE FRONT OF THE PROPERTY ONLY AND THE 30 X 50 FOOT BUILDING ON THE REAR OF THE PARCEL WILL BE USED FOR STORAGE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR MARCH 3, 2005 MEETING

Proof of publication for the notice of public hearing regarding REZ2004-31 Dr. Shelton's Veterinary Clinic was received, having been published in *The St. Augustine Record* on March 22, 2005.

**Motion by Rich, second by Bryant, carried 5/0, to enact Ordinance 2005-35, known as REZ 2004-31 Dr. Shelton's Veterinary Clinic, adopting findings of fact 1- 4 to support the motion.**

#### ORDINANCE NO. 2005-35

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG) WITH CONDITIONS TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/06/05 - 9 - 11:12 a.m.)

6. PUBLIC HEARING - PRD 2004-02 RIVER PLANTATION PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 155.38 ACRES LOCATED IN WESTERN ST. JOHNS COUNTY ALONG CR 13, JUST SOUTH OF COLEE COVE ROAD FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF TWENTY SEVEN (27) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 90/10% RULE FOR DENSITY. THE DEVELOPMENT AREA EQUALS 14.07 ACRES AND THE RESERVE AREA EQUALS 141.31 ACRES. LOTS WILL AVERAGE FIVE (5) ACRES IN SIZE WITH ONE LOT BEING JUST OVER 12 ACRES IN SIZE AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE

APPROXIMATELY 10,000 SQUARE FEET IN SIZE. THE RIVER PLANTATION PRD WILL BE DEVELOPED IN ONE (1) FIVE (5) YEAR PHASE. THE DEVELOPMENT SHALL COMMENCE WITHIN ONE (1) YEAR OF APPROVAL OF THE PRD AND COMPLETED OVER A FIVE (5) YEAR PERIOD. THE PLANNING AND ZONING COMMISSION RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MARCH 3, 2005 HEARING BY A VOTE OF 7/0 WITH THE FOLLOWING CONDITIONS WHICH HAVE BEEN MET SUBSEQUENT TO THE HEARING: FIRE PROTECTION MUST MEET ALL CURRENT COUNTY REQUIREMENTS PER SECTION 6.03.00. TWO INTERCONNECTIVITY POINTS MUST BE LABELED ON THE MDP TO SHOW FUTURE POTENTIAL INTERCONNECTIVITY. THE APPLICANT MUST COMMIT TO PAYING INTO THE SIDEWALK FUND IN LIEU OF CONSTRUCTING SIDEWALKS

Proof of publication for the notice of public hearing regarding PRD 2004-02 River Plantation PRD was received, having been published in *The St. Augustine Record* on March 22, 2005.

Bruce Ford, Chief Planner noted a correction to the staff report: the applicant was willing to pay into the sidewalk fund, which was a correction from what had previously been reported. (11:12 a.m.) George McClure stated that he had been questioned as to whether the reserved areas of the property could be developed if there were a change in the Comp Plan. He said that all property would be owned by the lot owners in the project, and none of the property would be retained by the developer. He said that 27 units on 155 acres represented the maximum development there could ever be on the site. Stevenson revealed ex-parte communication with Mr. McClure and asked the question that he had just referenced. Stern asked for clarification on whether there was interconnectivity. McClure stated that provisions had been made for that opportunity if the property owners wanted it. He noted that it was not necessarily vehicular connectivity. (11:15 a.m.) **Motion by Rich, seconded by Stern, carried 5/0, to enact Ordinance 2005-36, known as PRD 2004-02 River Plantation PRD adopting findings of fact 1-5 to support the motion.**

#### ORDINANCE NO. 2005-36

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/06/05 - 10 - 11:16 a.m.)

7. PUBLIC HEARING - PRD 2004-04 GRAY FOX FARMS PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 90.78 ACRES LOCATED IN SOUTHWESTERN ST. JOHNS COUNTY CRACKER SWAMP ROAD AND J.E. AUSLEY ROAD, GENERALLY NEAR FLAGLER ESTATES, FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF THIRTEEN (13) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 85/15% RULE FOR DENSITY: DEVELOPMENT AREA EQUALS 13.5 ACRES AND RESERVE AREA EQUALS 77.28 ACRES. LOTS WILL RANGE IN SIZE FROM 5 TO 10 ACRES AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE APPROXIMATELY 0.75

ACRE IN SIZE. THE TOTAL BUILDING COVER WITHIN THE DEVELOPMENT AREAS SHALL NOT EXCEED THIRTY-FIVE PERCENT. PUBLIC EQUESTRIAN/PEDESTRIAN RIDING EASEMENTS, A MINIMUM OF FIFTEEN FEET, SURROUND THE PROJECT BOUNDARY. A COMMON RESERVE POND/PICNIC AREA SHALL BE PROVIDED. THE GRAY FOX FARMS PRD WILL BE DEVELOPED IN A SINGLE PHASE. DEVELOPMENT SHALL COMMENCE WITHIN THREE (3) YEARS OF APPROVAL OF THE PRD, NO LATER THAN MARCH 1, 2008 AND COMPLETED WITHIN TWO (2) YEARS. FOR PURPOSES OF THIS SCHEDULE OF DEVELOPMENT THE TERM "COMMENCEMENT OF DEVELOPMENT" SHALL MEAN APPROVAL OF CONSTRUCTION PLANS AND "COMPLETION OF THE DEVELOPMENT" SHALL MEAN INSTALLATION OF ALL INFRASTRUCTURE AND APPROVAL OF "AS BUILTS". THE PLANNING AND ZONING COMMISSION MADE A MOTION TO RECOMMEND APPROVAL OF THIS REZONING REQUEST, INCLUDING THE FOLLOWING WAIVERS: 1) INTERNAL SIDEWALKS (LDC SECTION 5.03.03.C), 2) RESERVATION OF ADDITIONAL RIGHT OF WAY (LDC SECTION 6.04.04.H) AND 3) ACCESSORY STRUCTURES (LDC SECTION 2.01.04.A.4) AT THE MARCH 3, 2005 HEARING BY A VOTE OF 7/0. THE WAIVER REQUEST TO EXEMPT CONSTRUCTION OF EXTERNAL SIDEWALKS AND PAYMENT INTO THE SIDEWALK FUND WAS NOT INCLUDED IN THE MOTION AS THIS IS PROVIDED FOR AS AN ADMINISTRATIVE ACTION TO BE DETERMINED DURING CONSTRUCTION PLAN REVIEW

Proof of publication for the notice of public hearing regarding PRD 2004-04 Gray Fox PRD was received, having been published in *The St. Augustine Record* on March 22, 2005.

Stevenson revealed ex-parte communication stating that she had received an e-mail from a neighbor regarding drainage. She said it had been forwarded to Lindsay Haga.

(11:16 a.m.) Ms. Haga stated that the applicant had been made aware of the inquiry and it had been discussed in the Planning & Zoning Agency meeting. She noted that the author of the e-mail would like an opportunity to address the issue.

Stern revealed ex-parte communication stating she had visited the property with Nancy Brenner and they had talked about the project, and she looked at the particular piece of property mentioned in the subject e-mail.

(11:17a.m.) Lindsay Haga, Planner II explained that she would like to re-state the Planning & Zoning Agency motion. She said there were three waivers that were included within the PRD request: 1) waivers to internal sidewalks, 2) waiver to external sidewalks, and 3) accessory structures prior to the main use. She said the PZA had made a motion to approve the PRD including the approval for the waiver of internal sidewalks including waiver to the reservation of right-of-way, and including the use of accessory structures, but did not include the waiver request for external sidewalks, as it was an issue to be determined at the construction plan level.

Maguire asked why staff had objected to the sidewalk waiver.

Haga said it was a the general interpretation that sidewalks should be provided but that in this particular case provisions were being made for pedestrian and equestrian trails around the project. She said staff believed that if sidewalks could be provided in the site that they should be.

Stern stated that she had visited the site and that equestrian trails were quite different from what would be considered as normal. She asked if that was going to be taken into consideration at the time the external sidewalk issue was dealt with.

Haga said the Board could grant the waiver request if they felt sidewalks would be inappropriate for the project.

(11:20 a.m.) Nancy Brenner, applicant and owner, discussed external sidewalks and explained why they were requesting they be excluded from the project. She noted there would be a public and pedestrian right of way on the west side of the property, in exchange for paying into the sidewalk fund. She said she would prefer to put in the sidewalk rather than pay into the sidewalk fund. She noted the property was not contiguous to the road in any way. She stated that if the request was not approved at the Board level, she would withdraw her public/equestrian right-of-way and put in a sidewalk.

Stern said she supported the equestrian community and would support the waiver based on the uniqueness of the property and that it was appropriate for the area. She said it was a big equestrian area.

Stevenson questioned the common reserve area.

Brenner said that every lot owner owned their own deeded reserve area and that could not be re-subdivided, and the only common reserve area would be around the lake. She said the trails would allow horses to go in either direction.

Stevenson noted that horses don't like to be on concrete and asked staff if this was merely an application of rules.

Haga said it was basically an enforcement of code requirements.

(11:28 a.m.) Attorney McCormack said the staff wanted to do what the Board, through its code, told them to do. He said the strict rule required sidewalks, but there were other legal options. He suggested that if they went in any other direction, he could help them articulate their desires so they would be legal.

Rich stated he was concerned with the sidewalk policy, with sidewalks going to and from nowhere with absolutely no maintenance.

Stern concurred with Rich but said she strongly supported the proposed equestrian path.

Maguire revealed ex-parte communication stating he had also visited the site.

Bryant revealed ex-parte communication stating he had received e-mail from one of the neighbors regarding drainage.

Brenner explained some of the draining related issues and noted that plans were being developed to address the issues.

Rich declared ex-parte communication, citing the same e-mail.

**(11:32 a.m.) Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance 2005-37, known as PRD 2004-04 Gray Fox Farms PRD adopting findings of fact 1-5 to support the motion including all the waivers requested.**

ORDINANCE NO. 2005-37

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/06/05 - 13 - 11:33 a.m.)

8. CONSIDER REQUEST TO APPROVE AN INCREASE OF THE MAXIMUM PURCHASE PRICE FOR THE SHIP PROGRAM

The presentation was given by Dana Leth, Homeownership Programs Administrator, with the County Housing Community Service Division. She explained that the cost of land had gone up considerably in the last few years, necessitating the request to increase the maximum sales purchase price for the SHIP Program. She said their builders had expressed concern that they were unable to provide suitable entry-level housing units for folks seeking affordable housing at the current price. Additionally, she noted that material costs had gone up a great deal. (11:34 a.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0 to adopt Resolution No. 2005-93 for the increase of maximum purchase price to \$140,000 for the SHIP Program.**

(04/06/05 - 13 - 11:34 a.m.)

9. CONSIDER MOTION TO AUTHORIZE THE PARKS AND RECREATION DEPARTMENT, IN COOPERATION WITH THE SHERIFF'S DEPARTMENT TO APPLY FOR 2005 FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANTS FOR FRANK BUTLER PARK, SHORE DRIVE BOAT RAMP, AND TWO MARINE PATROL UNITS

(11:37 a.m.) **Motion by Bryant, seconded by Rich, carried 5/0 to approve Resolution No. 2005-94 to authorize the Parks & Recreation Department, in cooperation with the Sheriff's Department to apply for 2005 Florida Inland Navigation District Waterways Assistance Program Grants for Frank Butler Park Phase I in the amount of \$35,000.**

RESOLUTION NO. 2005-94

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE PARKS & RECREATION DEPARTMENT, IN COOPERATION WITH THE SHERIFF'S DEPARTMENT TO APPLY FOR 2005 FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANTS FOR FRANK BUTLER PARK WEST PHASE I IN THE AMOUNT OF \$35,000

(11:38 a.m.) **Motion by Rich, seconded by Stern, carried 5/0 to approve Resolution No. 2005-95 to authorize the Parks & Recreation Department, in cooperation with the Sheriff's Department to apply for 2005 Florida Inland Navigation District Waterways Assistance Program Grants for Shore Drive Boat Ramp improvements, Phase I in the amount of \$30,000.**

**RESOLUTION NO. 2005-95**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE PARKS & RECREATION DEPARTMENT, IN COOPERATION WITH THE SHERIFF'S DEPARTMENT TO APPLY FOR 2005 FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANTS FOR SHORE DRIVE BOAT RAMP IMPROVEMENTS PHASE I**

(11:39 a.m.) Motion by Stern, seconded by Rich, carried 5/0, to approve Resolution No. 2005-96, to authorize the Parks & Recreation Department, in cooperation with the Sheriff's Department to apply for 2005 Florida Inland Navigation District Waterways Assistance Program Grants for Beach Safety Services ICWW Vessel in the amount of \$30,000.

**RESOLUTION NO. 2005-96**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE PARKS & RECREATION DEPARTMENT, IN COOPERATION WITH THE SHERIFF'S DEPARTMENT TO APPLY FOR 2005 FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANTS FOR BEACH SAFETY SERVICES ICWW VESSEL**

Discussion ensued regarding the relationship the county held with the Coast Guard and the Sheriff's Department and regarding the type of vessel being requested. (11:41 a.m.) Christy Taylor, St. Johns Sheriff's Office, explained that the boat they were requesting was a 24 foot Everglades center console V hull. She said that cost was a consideration in the type of hull they selected. She noted that after much discussion the Everglades was determined to be the ideal boat for their needs. (11:42 a.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0 to approve Resolution No 2005-97 to authorize the Parks & Recreation Department, in cooperation with the Sheriff's Department to apply for 2005 Florida Inland Navigation District Waterways Assistance Program Grants for St. Johns County Sheriff's Office Marine Unit in the amount of \$30,000.**

**RESOLUTION NO. 2005-97**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE PARKS & RECREATION DEPARTMENT, IN COOPERATION WITH THE SHERIFF'S DEPARTMENT TO APPLY FOR 2005 FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANTS FOR THE ST JOHNS COUNTY SHERIFF'S OFFICE MARINE UNIT**

(04/06/05 - 14 - 11:43 a.m.)

10. MOTION TO APPROVE LAMP BOARD RECOMMENDATIONS FOR FCT APPLICATION, AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN THE TRANSMITTAL LETTER

The presentation was given by Shorty Robbins, Recreation & Parks Administrative Manager, regarding the land acquisition applications proposed by the LAMP Board for the 2005 Florida Communities Trust grant cycle. She stated that applications were due on May 5, 2005. She said the LAMP Board had recommended the Nease Beachfront Park with a score of 175 points, which was in a favorable position for funding. She stated that the Board also recommended the Lake Beluthahatchee project and noted it was designated a National Literary Landmark and shared other community support sources. Maguire requested a refresher on the Point System. He asked if they were supposed to approve a level of the percentage match. Leth said she was looking for guidance from the Board. She said they needed only one resolution for both items. She said the score was 110 points and it was not in as favorable a position as the earlier project. She said they recommended a 60 % match from the County. Stern noted the endorsement from the Florida Times Union. Stevens gave her support. Rich gave his support. (11:55 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to approve the LAMP Board recommendations for FCT application, and to authorize the County Administrator to sign the transmittal letter.**

(04/06/05 - 15 - 11:56 a.m.)

11. CONSIDER MOTION TO ADOPT A RESOLUTION CREATING A PUBLIC SAFETY COORDINATING COUNCIL IN ACCORDANCE WITH SECTION 951.26, FLORIDA STATUTES

Patrick McCormick, Assistant County Attorney introduced the resolution. (11:56 a.m.) **Motion by Bryant, seconded by Rich, carried 5/0 to approve Resolution No. 2005-98, creating a Public Safety Coordinating Council in accordance with Section 951.26, Florida Statutes. Motion to support the Administrator's recommended purchase price of \$29,681,477 for St. Johns Service Co.**

#### RESOLUTION NO. 2005-98

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO CREATE A PUBLIC SAFETY COORDINATING COUNCIL IN ACCORDANCE WITH SECTION, 951.26, FLORIDA STATUTES

Items 12 & 13 were heard after lunch.

(04/06/05 - 15 - 11:57 a.m.)

COMMISSIONERS' REPORTS

Commissioner Maguire:

Maguire stated that he was making a media advisory for those watching the proceedings on television to request donations of used vegetable cooking oil to the Fleet Maintenance Program.

He reported the Rotary Club of Flagler Beach was hosting their Second Annual Scenic Bicycle event. Questions should be directed to Ms. McGrue at 386-439-3106.

He also passed on kudos: Van Ness Co. sent a letter to Penny Halyburton to commend Toni Solana and her fine staff of the Ponte Vedra office for their professionalism in caring for the elderly and handicapped citizens when transporting them during the pre-voting period of the last elections.

Maguire reported that St. Johns Vision wanted to hold their annual meeting on May 11, 2005 in the auditorium, but a resolution was necessary in order for them to meet on that date because they would not qualify otherwise. (11:59 a.m.) **Motion by Maguire, seconded by Rich, carried 5/0, to approve the St. Johns Vision use of the auditorium from 7:00 to 8:30 p.m. on May 11, 2005.**

Maguire stated that kudos were in order to Chief Robert Hall, Joe Gordy and Alex Bray, Dock Master, who in January 2005, assisted a heart attack victim who was sailing during the episode. The patient expressed kudos to the hospital, EMT's and the Marina staff for helping to save his life.

Maguire said kudos were also in order to Bill Young and his fine staff at the Utility Department from Ronald King, who reported the prompt and professional service provided by his staff in handling a utilities related problem at his home.

(12:01 p.m.)

Commissioner Bryant:

No report.

(12:01 p.m.)

Commissioner Stevenson:

No report.

(12:01 p.m.)

Commissioner Stern:

No report.

(12:01 p.m.)

Commissioner Rich:

No report.

(04/06/05 - 16 - 12:02 p.m.)

COUNTY ADMINISTRATOR'S REPORT

There was no report.

(04/06/05 - 16 - 12:02 p.m.)

COUNTY ATTORNEY'S REPORT

Hunt reminded Maguire of the issue of the Grannie Flat Tax Relief. Maguire stated a State law provided that if improvements were made on a home for elderly parents, there would be tax breaks on the ad valorem taxes. He noted that a request had been made for the County to investigate this law and to provide such assistance in St. Johns County.

The meeting recessed at 12:03 p.m. and reconvened at 1:31 p.m. with Maguire, Bryant, Stern, Stevenson, Rich, Adams, Michael Hunt, Deputy County Attorney, and Robin Platt, Deputy Clerk, present. The meeting resumed with Item No. 13.

(04/06/05 - 16 - 5:24 p.m.)

12. PRESENTATION OF THE 2006-2010 REQUESTED CAPITAL IMPROVEMENT PROJECTS (CIP)



David Miller, Public Financial Management, Inc. (PFM), addressed the County's outstanding debt, and the bonding capacity.

(5:32 p.m.) James Glover, PFM, reviewed the: Local Government Half-Cent Sales Tax Revenue Bonds, Transportation Improvement Revenue Bonds, Water and Sewer Revenue Bonds, Guaranteed Entitlement Revenue Bonds, Other Outstanding Obligations of the County, and Debt Service Schedules of all Outstanding Bonds. (5:43 p.m.) Scott Quall, PFM, addressed the strategic financial advisory services to St. Johns County. Discussion followed. (6:03 p.m.) *Adams announced that he would set up a workshop within the next couple of weeks on this issue.*

(04/06/05 - 17 - 6:03 p.m.)

Bryant reported that he and Bill Young attended a meeting at the St. Augustine Beach Town Hall where the City of St. Augustine Beach was offered an FDEP sewer grant at 65/35; 65% from FDEP and 35% from a County match to retrofit approximately 900 to 1,000 residential units with central sewer.

(04/06/05 - 17 - 1:31 p.m.)

### 13. REPORT AND DISCUSSION OF ST. JOHNS SERVICE COMPANY

John Schwab, Special Projects Manager, explained that Mike Saylor from the engineering firm of BHR was present, on behalf of St. Johns Service Company, to give his findings and recommendations for the repair of the service area of Moss Creek Lane. Additionally, he reported that BHR's recommendations had been forwarded to the St. Johns County Utility Department for review.

(1:35 p.m.) Mike Saylor, Senior Vice-President and North Florida Operations Manager for BHR, stated that BHR's engineers took an independent look at the Moss Creek Lane (Marsh Landing) back-flow incident. He reported that another engineering firm had compiled a report, and made recommendations, but that BHR was the firm of record. He referenced the chronological report submitted by Mrs. Crawford, Exhibit A; and explained how the system failure occurred. BHR devised a solution to correct the problem: which was submitted to Bill Young, and his staff, for review, Exhibit B. The fix would require a bypass force main that would go passed Moss Creek Lane, towards discharge at the plant.

(1:51 p.m.) Bill Young, Utility Director, concurred with Saylor's report; and stated that it was a viable solution for the short-term and long-term issues with the system. Stern asked for assurances that there was no other damage to the system as a result of the Moss Creek Lane incident.

(1:56 p.m.) Schwab explained that the report being discussed today was specific to the Moss Creek Lane area, and that any other damage could be assessed during the due diligence portion of the possible acquisition of St. Johns Service Company: Complaints by other residents would be addressed on a case-by-case basis.

(1:57 p.m.) Young stated that there was no way to put a guarantee on the system, as the problem was not due to damage, but a design deficiency, and that the recommended solution should correct that deficiency. Schwab explained that BHR's report on Moss Creek Lane would be presented to the Water and Sewer Authority at their April 12th meeting.

(2:01 p.m.) Hunt left the meeting; and was replaced by Patrick MacCormack, Assistant County Attorney.

(2:01 p.m.) Neal Shrinkre, Utility Department, concurred with Young's comments and explained that the solution being proposed today was for the Moss Creek Lane area only; not the system as a whole. Discussion ensued on the health of the entire system.

(2:10 p.m.) Saylor submitted correspondence relating to the DEP's warning letter, the Water and Sewer Authority's inquiry into the Crawford complaint, and St. Johns Service Company's responses, Exhibit C. Further, he addressed the reliability of the system; unauthorized yard drains that tie into the sanitary system, instead of the storm water system; and the use of backwater valves.

(2:15 p.m.) Maguire expressed his displeasure at the accusations that the Board was not handling the Crawford/Moss Creek Lane issue properly. He clarified that the purchase price of St. Johns Service Company was the only issue before the Board today.

(2:19 p.m.) Walter Rohrer, 2315 Club View Ct., President of the Sawgrass Homeowners Assoc., questioned why the Board was rushing to a Section 125 hearing without all the pertinent facts of damage and the cost estimates to correct the damage.

(2:23 p.m.) Tina McGough, 120 South Bend Dr., requested that the purchase price decision be delayed to allow for the completion of a targeted survey of other residents in order to fully access the damage.

(2:25 p.m.) Jim Walter, 1136 Compass Row, questioned how the acquisition of this utility would affect the existing customers of St. Johns County's utility system. Maguire explained that they would be operated as two separate entities, with no interconnectivity between operations.

(2:27 p.m.) Ann Crawford, 24237 Marsh Landing Parkway, addressed the letter she had written (marked as Exhibit A).

(2:28 p.m.) Robert Huhta, 204 Greencrest Dr., PVB, addressed perceived inconsistencies in information provided by St. Johns Service Company and the method used to calculate the value and purchase price of the utility.

(2:38 p.m.) Mike Twomey, PO Box 5256, Tallahassee, Florida, on behalf of the Board of Directors of the Sawgrass Assoc., the Player's Club, Marsh Landing and Seaside. He urged the Board to consider the requests of his clients, as they would be the only parties in this case who would be adversely affected by the decision to buy this utility for \$29 million. He commented that his clients have felt as though their opinions have not counted, and that they have been trying to protect their rights, both financial and service. He elaborated on the Constitution of the State of Florida, the financial benefits and detriments of acquiring the utility, and the haste in acquiring the utility, Exhibit D. He suggested that as the result of a purchase at the current suggested price of \$29 million, there would be an immediate and permanent overall rate increase of 43%, or higher. Twomey also suggested that the "matter of right" provision be removed from the County's ordinance; that the County hire an expert to research the issue and publish his or her opinion in a memo of law; and that the Water and Sewer Authority exercise its authority to compel repairs in Marsh Landing. He further commented on the Section 125 hearing documents, revising the County's acquisition policy, and requiring monthly customer complaint reports from utilities.

(2:51 p.m.) Rich questioned what the \$300,000 credit to the recommended purchase price was for: Schwab confirmed that that was for the proposed repairs. He also explained the time-line for purchase as 120 days, including the 60 to 90 day period for due diligence. Twomey suggested halting the process now, doing the repairs, having a

certified engineer report that the problem was solved, and that there were no other problems with the system.

(2:53 p.m.) Bryant questioned Twomey's assertion that there would be a 43% increase in rates on a \$22 million purchase. Twomey elaborated on his previous statement. Bryant stated that he thought Twomey's opinion on the "matter of right" issue was incorrect, as the ordinance had never been challenged and discussion ensued as to the legal necessity of the "matter of right" language. *Bryant asked that the issue be forwarded to the Attorney General for an opinion.*

(2:57 p.m.) Patrick McCormack, Assistant County Attorney, reported on his involvement with a purchase, similar to this one, while in the employ of Flagler County; and recommended that the Board instruct their attorney's office to draft a suitable question to the Florida Attorney General. Twomey requested that he be allowed to review the question before it was submitted.

(3:00 p.m.) Stern questioned the timing of the deficiencies in the system and discussed Mrs. Crawford's complaint, in that the Water and Sewer Authority had not yet had an opportunity to review BHR's report. She stated that she would like to give the Water and Sewer Authority a chance to review the material submitted, and give their report, before a decision is made on the purchase price.

At 3:03 p.m., Deputy Clerk Yvonne King entered the meeting and Deputy Clerk Robin Platt left the meeting.

(3:05 a.m.) Bryant questioned the details of the due diligence process; gave his opinion that the utility was valued at \$22 million; and further addressed the "matter of right" issue. Rich said that he felt the value of the utility was \$21,667,000; less the warranty bond, costs for repairs, and administrative oversight costs, for a total of \$19,307,000 for acquisition. Stevenson said that she understood that today they were to set a maximum price for purchase, discussed rate increases and stated that she felt that a \$22 million purchase price was too low. Bryant commented on the relationship between the value of the utility and the "matter of right" issue.

(3:17 p.m.) **Motion by Bryant, seconded by Stern, to get an expedited Attorney General's opinion on the "matter of right" issue.** McCormack commented on what the Attorney General's opinion would contain. **The motion carried 5/0.** Discussion followed on the extent of Mr. Twomey's input and the time frame involved in getting an opinion back. (3:22 p.m.) **Motion by Stern, seconded by Rich, carried 4/1 with Stevenson opposed, to table the existing item and cancel the 125 Hearing scheduled for April 27th.**

The meeting recessed at 3:22 p.m. and reconvened at 3:28 p.m. with McCormack and Hunt in attendance, representing the County Attorney's office; and Deputy Clerk Robin Platt in attendance.

(04/06/05 - 19 - 3:29 p.m.)

14. RESOLUTION CLARIFYING PROCEDURES FOR VESTING OF NON-RESIDENTIAL PERMIT APPLICATIONS AND THE IMPACT FEE GUIDELINES AND PROCEDURES MANUAL

Scott Clem, Assistant County Administrator, explained that the proposed resolution would clarify the vesting procedures for non-residential permit applications, as contained in the *Impact Fee Guidelines and Procedures Manual*. The current language would require applicants to have completed the development permitting process and have a building permit application in house by May 2nd, which was an unrealistic time

frame. The proposed resolution would follow a similar timeline to that of the residential requirements. He made clear that the adoption of the resolution would not change the effective date of the ordinance of May 2, 2005. He stated that this resolution related to commercial projects that were already in the permitting process. The resolution would also clarify that certain multi-family projects, i.e. condominiums and apartments, would be permitted as commercial projects, but would be treated as residential for impact fee purposes. Further, Clem outlined the deadlines imposed by the ordinance and the proposed resolution.

(3:35 p.m.) Rich stated that he received an e-mail from a representative of the commercial building industry, who requested that the Board consider an eight to ten week extension. Clem explained why they were proposing a six month extension: the reason being the time it takes to get through the commercial permitting process. Maguire questioned some of the language in the resolution, specifically, what constituted a completed application. Clem explained and discussion followed on the effective dates and the application process. (3:44 p.m.) Stern stated that she supported the resolution, but would have to leave the meeting and would not be in attendance for the vote.

(3:44 p.m.) Mike Sarkissian, 818 A1A North, Ponte Vedra Beach, thanked the Board for reexamining this issue, asked for clarification of the process and supported adoption of the resolution.

(3:46 p.m.) Bill Tinnerman, 5 Willard Dr., suggested allowing applicants to pay their fees in advance to avoid applicants rushing through the process and then later requesting amendments.

(3:52 p.m.) Frank DiMare, 3545 US 1 South, spoke to the time involved in getting a non-residential permit application together, stating that a six month extension was not sufficient time; the DRC process; and allowing a pre-application to be used for vesting.

(3:56 p.m.) Ed Cooksey, 1600 Woodlawn Rd., stated that he was very displeased with the newly adopted impact fee ordinance.

(3:59 p.m.) Isabelle Lopez, Senior Assistant County Attorney, entered the meeting.

(4:00 p.m.) Tom Coates, 1829 Old Beach Rd., stated his concerns with the increased impact fees and the effective date of May 2nd.

(4:03 p.m.) Lopez explained that the Board was only addressing the language in the proposed resolution regarding vesting today and that the Board could not make any changes to the existing ordinance at that time.

(4:06 p.m.) Robert Marshall, 318 Marsh Point Circle, Chairman of the St. Johns County Builders Association, addressed the long and difficult process involved in getting a commercial permit.

(4:07 p.m.) Ed Paucek, 970 Irma Way, addressed the economics of the newly imposed impact fees; the length and detail of the DRC process; and the May and November deadlines: Discussion followed on the "delay by other agencies clause." He asked for a further extension of time past the November deadline: He suggested a year. Lopez explained that the deadlines could not be changed by the resolution being presented today.

At 4:15 p.m., Deputy Clerk Yvonne King entered the meeting, and Deputy Clerk Robin Platt left the meeting.

(4:20 p.m.) Mike Piesco, 3433 U.S. 1 South, commented in opposition to the increase in the impact fees; also opposed to the submission deadline date for applications for non-residential building permits.

(4:23 p.m.) Jerod Meeks, 3865 Hickory Lane, commented in opposition to the submission deadline date for applications for non-residential building permits.

(4:27 p.m.) Michael Davis, 3940 Lewis Speedway, commented in opposition to the increase in impact fees; also opposed to the submission deadline date for applications for non-residential building permits.

(4:31 p.m.) Richard Davis, 5 Indian Mound Drive, commented in opposition to the increase in impact fees.

(4:35 p.m.) John Stump, 524 Majestic Oak Parkway, Orangedale, commented in opposition to the increase in impact fees; also commented in opposition to the submission deadline date for applications for non-residential building permits.

(4:38 p.m.) Kari Keating, 1 Riberia St., relayed that the business members supported a longer vesting period for non-residential development; they also supported the vesting be done during a pre-application meeting, instead of a completed permit application.

(4:45 p.m.) Joe Gordy, Vice Chairman of the Economic Development Council, commented in opposition to the increase in impact fees.

(4:47 p.m.) Sacha Martin, 133 Coastal Hollow Circle, suggested the County look at providing some incentives to businesses; commented on the time frame for vesting; and suggested that impact fees be paid over a period of time.

(4:51 p.m.) Dan Burkhardt, 3935 Inman Road, commented in opposition to the submission deadline date for applications for non-residential building permits.

(4:54 p.m.) Don Davis, 8160 Seven Mile Drive, Ponte Vedra Beach, commented in opposition to the increase in impact fees; and commented in opposition to the submission deadline date for applications for non-residential building permits.

(4:57 p.m.) Charlie Lassiter, 320 Redwing Lane, commented in opposition to the submission deadline date for applications for non-residential building permits.

Discussion followed regarding the rate of increase in impact fees on commercial property, changing the collecting process, a possible reduction in commercial impact fees, and readdressing the impact fee study. (5:08 p.m.) Lopez offered some suggestions to the Board: 1) make the entry point the pre-application; 2) extend the end date; the November date; and 3) change the date on page 4 of the proposed resolution from May 2<sup>nd</sup> to November 2<sup>nd</sup> to reflect the same date for residential. (5:11 p.m.) **Motion by Maguire, seconded by Bryant, to approve Resolution No. 2005-99; and that the pre-application becomes the entry point; the end date becomes 12 months from May 1<sup>st</sup>; and that the date on page 4 be November 2<sup>nd</sup>.** (5:16 p.m.) Lopez read the suggested addendum to Section 2 under "Non Residential Building Permit" under "obtaining vesting;" the additional language would be: "*applicants for non-residential building permits must submit either, a) a complete application for development review pre-application approval consistent with the requirements of Section 12.0 of the Development Review Manual prior to May 2, 2005 in order to be assessed the impact fees in effect prior to May 2, 2005;*" or create b) the existing language. (5:17 p.m.) **Motion carried 4/0 with Stern absent.**

RESOLUTION NO. 2005-99

A RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, CLARIFYING SECTION D. VESTED PERMIT APPLICATIONS OF THE IMPACT FEES GENERAL ADMINISTRATIVE GUIDELINES AND PROCEDURES MANUAL, THIS RESOLUTION CLARIFIES THE PROCEDURES FOR OBTAINING AND MAINTAINING VESTED PERMIT APPLICATIONS FOR RESIDENTIAL AND NON-RESIDENTIAL BUILDING PERMITS

The meeting recessed at 5:18 p.m. and reconvened at 5:23 p.m. Commissioners Stern and Maguire did not return after the break. The meeting moved to Item No. 12.

(6:14 p.m.) Motion by Bryant, seconded by Stevenson, carried 3/0 with Stern and Maguire absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:14 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 365194 through 365800, totaling \$3,310,675.64 (03/23/05)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 365801 through 365803, totaling \$2,731.26 (3/28/05)

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief, Bureau of Administrative Code, filing Ordinance Numbers 2005-28 through 2005-34 (03/29/05)
2. Letter to Taryn Jaramillo, The Goodman Company, regarding CR 2209 Settlement Agreement (03/29/05)

Approved \_\_\_\_\_ April 20 \_\_\_\_\_, 2005

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_

Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: \_\_\_\_\_

Uwanne King  
Deputy Clerk