

NOTE:

Minutes of the April 20, 2005 St. Johns County Board of County Commissioners' Meeting.

The minutes contain links that enable you to listen to the audio for each item.

To listen to the audio of an item in the minutes, click on the blue highlighted date, page number and time that precedes each item.

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 20, 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
 Daniel Bosanko, County Attorney
 Yvonne King, Deputy Clerk

Also present was: Cheryl Strickland, Clerk of Courts

(04/20/05 - 1 - 9:02 a.m.)
CALL TO ORDER

Maguire called the meeting to order.

(04/20/05 - 1 - 9:02 a.m.)
ROLL CALL

Maguire announced that all five commissioners were present.

(04/20/05 - 1 - 9:02 a.m.)
Bryant gave the Invocation, and Stevenson led the Pledge of Allegiance.

(04/20/05 - 1 - 9:03 a.m.)
PROCLAMATION DESIGNATING APRIL 17-23, 2005 AS NATIONAL VOLUNTEER WEEK

Bryant read the proclamation regarding National Volunteer Week and presented one to each group: Gordon & Carolyn Crosly of the Council on Aging; James Ziers, VA Clinic; Liz, Annie and Allison Heffner, Recreation Department; Margaret Geiger, Library; Shirley and Ed Delodge, Mental Health Department; and Lamar Terry, Sheriff's Office. (9:08 a.m.) Terry thanked the Sheriff's Department for the support given to their volunteers. (9:09 a.m.) Delodge expressed thanks from the entire group of volunteers from the Council on Aging. (9:09 a.m.) Stern announced the RSVP luncheon that FCTI was having on Thursday, April 21, 2005 at 12:00 noon to recognize and honor the volunteers. Also, at the St. Augustine Gun Club, the Council on Aging would be recognizing their many volunteers. (9:10 a.m.) Adams announced that the County would sponsor a volunteer appreciation social in the County Auditorium on Monday, April 25, 2005 at 2:00 p.m.

(04/20/05 - 2 - 9:12 a.m.)

PROCLAMATION DESIGNATING APRIL 24-30, 2005 AS INFANT IMMUNIZATION AWARENESS WEEK

Stern read the proclamation regarding Infant Immunization Awareness Week and presented it to Bunny Richards, Debbie Honan, Jan Lago, Cassandra Williams, and Barbara Dodson. Honan shared the importance of infant immunization.

(04/20/05 - 2 - 9:17 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Stern, seconded by Bryant, carried 5/0, to accept the proclamations, as read.

(04/20/05 - 2 - 9:17 a.m.)

PUBLIC COMMENTS

Greg Mason, 5784 Rudolph Avenue, commented on Item #6 during public comments, because he was not able to be present when the item was heard. He commented in opposition to the variance.

(9:19 a.m.) Gary Bruce, Director of Project Special Care, addressed emergency shelters for children in St. Johns County. Bruce extended an invitation to attend the opening of "Stephanie's House" on May 5, 2005 at 11:30 a.m., on the corner of SR 16 and 10th Street. It was the first shelter dedicated to females under the age of 18 in St. Johns County.

(04/20/05 - 2 - 9:26 a.m.)

DELETIONS TO CONSENT AGENDA

Bosanko requested Item #6 be removed from the Consent Agenda, and added to the Regular Agenda as Item #1a. Stevenson requested Item #2 be removed from the Consent Agenda, and added to the Regular Agenda as Item #17.

(04/20/05 - 2 - 9:28 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Bryant, seconded by Rich, carried 5/0, to approve the Consent Agenda, as amended, as follows:

1. Approval of the Cash Requirement Report
2. Minutes:
03/23/05 - BCC Regular Meeting
04/06/05 - BCC Regular Meeting
(This item was removed from the Consent Agenda, and was added to the Regular Agenda as Item #17.)
3. Sheriff Bonds:
Approve: Ronald Shugart Kelli Koleilat Frank Everett

Cancel: Donna Godwin Connie Myatt Chris Mackley
 Mary Mickler Anthony Attanasio

4. Motion to adopt **Resolution No. 2005-100**, authorizing the execution of a railroad reimbursement agreement for the installation of grade crossing traffic control devices and future maintenance and adjustment of said devices

RESOLUTION NO. 2005-100

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID DEVICES; PROVIDING FOR THE EXPENDITURE OF FUNDS; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT

5. Motion to adopt **Resolution No. 2005-101**, extending a Sponsorship Agreement between St. Johns County, Florida, and Bottling Group, LLC, d/b/a The Pepsi Bottling Group on the same terms, provisions, conditions, and requirements, and authorizing the County Administrator, on behalf of the County, to execute any agreements, documents, extensions, or other paperwork necessary to accomplish that purpose

RESOLUTION NO. 2005-101

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, EXTENDING A SPONSORSHIP AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND BOTTLING GROUP, LLC, D/B/A THE PEPSI BOTTLING GROUP, ON THE SAME TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS, DOCUMENTS, EXTENSIONS, OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE

6. Motion to adopt a resolution authorizing settlement of the case, Julia Thompson vs. St. Johns County, et al., for the amount of \$2,500 in exchange for a full and final release of the County and a dismissal of the case against the County, with prejudice

This item was removed from the Consent Agenda, and was added to the Regular Agenda as Item #1a.

7. Motion to adopt **Resolution No. 2005-102**, authorizing the County Administrator to execute a Termination and Vacation of Easement for Crosswinds at Palencia, LLC, to St. Johns County

RESOLUTION NO. 2005-102

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TERMINATION

**AND VACATION OF EASEMENT FOR CROSSWINDS
AT PALENCIA, LLC, A FLORIDA LIMITED LIABILITY
COMPANY OF ST. JOHNS COUNTY**

8. Motion to adopt **Resolution No. 2005-103**, approving the terms of an agreement to accept Isle Way Lane as a County road and authorizing the County Administrator to execute, on behalf of the County, any documents necessary to accomplish that purpose

RESOLUTION NO. 2005-103

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, AND THE BALMESEDA HOMEOWNERS ASSOCIATION WHEREBY ST. JOHNS COUNTY WILL OWN AND MAINTAIN THE STREET AND RIGHTS-OF-WAY LYING WITHIN THE BALMESEDA ISLE SUBDIVISION NAMED "ISLE WAY LANE," AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS, DOCUMENTS, OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE

9. Motion to adopt **Resolution No. 2005-104**, approving a Final Plat for St. Johns Forest, Unit One-A

RESOLUTION NO. 2005-104

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST. JOHNS COUNTY FOREST, UNIT ONE-A

10. Motion to adopt **Resolution No. 2005-105**, approving a Final Plat for St. Johns Golf & Country Club, Unit Five

RESOLUTION NO. 2005-105

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST. JOHNS GOLF & COUNTRY CLUB, UNIT FIVE

11. Motion to adopt **Resolution No. 2005-106**, approving a Final Plat for Plantation Estates at Julington Creek Plantation, Parcel 82, Phase Two

RESOLUTION NO. 2005-106

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR PLANTATION ESTATES AT JULINGTON CREEK PLANTATION, PARCEL 82, PHASE TWO

12. Motion to adopt **Resolution No. 2005-107**, approving a Final Plat for Paloma Subdivision

RESOLUTION NO. 2005-107

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A PLAT FOR PALOMA SUBDIVISION

13. Motion to adopt **Resolution No. 2005-108**, approving a Final Plat for Cypress Lakes, Unit Two, Phase B

RESOLUTION NO. 2005-108

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR CYPRESS LAKES, UNIT TWO, PHASE B

14. Motion to adopt **Resolution No. 2005-109**, approving a Final Plat for Murabella Unit Two

RESOLUTION NO. 2005-109

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR MURABELLA, UNIT TWO

15. Motion to authorize the County Administrator to execute the Library Services and Technology Act Grant Agreement between St. Johns County and the Florida Department of State, Division of Library and Information Services, and motion to adopt **Resolution No. 2005-110**, recognizing unanticipated revenue in the amount of \$7,500 and increasing the General Fund Cultural/Recreational Grant [0001-33470] and expenditure budget of Library Services [0001-0078-55206] in the same amount

RESOLUTION NO. 2005-110

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2005 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE LIBRARY SERVICES DEPARTMENT

16. Motion to approve the related capital project rescheduling and the transfer of funds from the Transportation Trust Fund Reserve for Capital Outlay (1131-59927), from the Impact Fee Road Zone B Reserve (1189-59920), and from the Impact Fee Road Zone C Reserve (1192-59920)
17. Motion to re-appropriate FTA Grant monies and County match from the Planning Department [0001-33140-0018-58200] to the Transit System Capital Project Fund as follows: \$449,900 for operating assistance to the COA [3370-

33140-3371-58200], \$987,118 for land [3370-33140-3371-56100], and \$378,640 for capital equipment [3370-33140-3371-56400]

18. Motion to adopt **Resolution No. 2005-111**, accepting the terms of an Agreement Amendment between the Florida Department of Children and Families and St. Johns County, recognizing and accepting the increased funding for the Community Based Care Program and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2005-111

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE THIRD AMENDMENT TO THE CONTRACT DJ993 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF CHILDREN AND FAMILIES

19. Motion to authorize the County Administrator, or his designee, to purchase one (1) asphalt distributor truck from the responsive low bidder, Ring Power, in the amount of \$97,215.00 (*See Attachment "A"*)
20. Motion to authorize the County Administrator, or his designee, to enter into contract with AWA Contracting Co., Inc., in an amount not to exceed \$320,000.00 for the project titled Construction of Annual Pathway and Minor Construction Contract, under Bid 05-74 (*See Attachment "B"*)

(04/20/05 - 6 - 9:28 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson requested Item #16 be moved to Item #1b. Bryant requested Item #14 be heard at 1:30 p.m. promptly. He also requested to add an item regarding property used as mitigation associated with the Vilano Boat Ramp expansion. It was added as Item #18. Adams requested to add an item to set a public hearing to vacate a portion of 2nd Street at Oak Avenue. It was added as Item #5a. He also requested that Items #7 and #8 be reversed. Bosanko requested to add an item regarding an amendment to the Whetstone lawsuit settlement agreement. It was added as Item #1c.

(04/20/05 - 6 - 9:32 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/20/05 - 6 - 9:32 a.m.)

- 1a. MOTION TO ADOPT A RESOLUTION AUTHORIZING SETTLEMENT OF THE CASE, JULIA THOMPSON VS. ST. JOHNS COUNTY, ET AL., FOR THE AMOUNT OF \$2,500 IN EXCHANGE FOR A FULL AND FINAL RELEASE OF THE COUNTY AND A DISMISSAL OF THE CASE AGAINST THE COUNTY, WITH PREJUDICE (*This item was removed from the Consent Agenda, and was added to the Regular Agenda as Item #1a.*)



ST. JOHNS COUNTY BID TABULATION

BID TITLE PURCHASE OF ONE (1) ASPHALT DISTRIBUTOR TRUCK
BID NUMBER BID NO. 05-78
OPENING DATE/TIME MARCH 23, 2005 3:00 P.M.
POSTING TIME/DATE FROM 3/23/2005 4:00 PM UNTIL 3/29/2005 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY-TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY LEIGH DANIELS
TABULATED BY CELIA KLING
VERIFIED BY

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL PACKAGE BID PRICE	DELIVERY DATE	MAKE/MODEL	ADDENDUM #1	ADDENDUM #2
BEARCAT MFG.	\$111,258.00	90 DAYS ARO	BEARCAT BC 501/CRC STERLING L7500	YES	YES
RING POWER	\$97,215.00	UNIT IN STOCK	ROSCO MAXINIER 3 W/STERLING CHASSIS	YES	NO
ATLANTIC FORD TRUCK SALES, INC.	\$94,909.00	140-160 DAYS	STERLING ACTERRA W/ROSCO MAXINIZER II	YES	YES
FREIGHTLINER OF TAMPA LLC	\$100,824.00	180 DAYS	FREIGHTLINER M2 W/ROSCO MAXINIMIZE 3	YES	YES
DELAND TRUCK CENTER, INC.	\$99,869.25	180-225 DAYS	ISUZU0JC7D042 W/ROSCO ASPHALT DISTRIBUTOR	YES	YES
MAULDIN INTERNATIONAL	\$104,982.05	5-25-05	INTERNATIONAL 7300 W/ROSCO MAXIMIZE 3	YES	NO

BID AWARD DATE - _____

Attachment 'A'

ST. JOHNS COUNTY BID TABULATION



BID TITLE
CONSTRUCTION OF ANNUAL
PATHWAY AND MINOR

CONSTRUCTION CONTRACT

BID NUMBER
BID NO. 05-74

OPENING DATE/TIME
April 6, 2005 3:00 P.M.

FROM UNTIL

POSTING TIME/DATE
4/06/2005 4:00 PM 4/11/2005 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY

LEIGH DANIELS

TABULATED BY

JANET ELLIOTT

VERIFIED BY

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL BASE BID PRICE	BID BOND						
A.W.A CONTRACTING CO., INC.	\$264,754.00	YES						

BID AWARD DATE - _____

Attachment 'B'

Bosanko shared that the County's liability insurance carrier, FACT, had determined that the County could settle this matter for \$2,500. (9:34 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to adopt Resolution No. 2005-112.**

RESOLUTION NO. 2005-112

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SETTLEMENT IN THE LAWSUIT FILED AGAINST ST. JOHNS COUNTY, AND OTHERS, BY JULIA THOMPSON, CASE NO. CA 03-795, IN THE CIRCUIT COURT IN AND FOR ST. JOHNS COUNTY, FLORIDA

(04/20/05 - 7 - 9:35 a.m.)

1b. SIGNALIZATION OF LEO MAGUIRE PARKWAY AND CR 210 (*This was previously Item #16.*)

Darrell Locklear, County Engineer, explained the request to transfer \$200,000 from transportation reserves to capital projects for the installation of a signal at Leo Maguire Parkway and CR 210. Discussion followed on the need for the traffic signal. (9:38 a.m.) **Motion by Stevenson, seconded by Stern, carried 5/0, to approve the transfer of \$200,000 from Transportation Reserve Capital Outlay (1131-59927) to Transportation Capital Projects (1114-56301).** (9:39 a.m.) Diane Wendland, 833 Eagle Point Drive, expressed the urgency for the signalization. (9:40 a.m.) **The motion carried 5/0.**

(04/20/05 - 7 - 9:40 a.m.)

1c. RESOLUTION RELATING TO THE SETTLEMENT OF THE LAWSUIT VIRGINIA WHETSTONE V. ST. JOHNS COUNTY V. CAMP, DRESSER & MCKEE AND METRIC CONSTRUCTORS, INC.

Bosanko informed the Board that the resolution was to change the legal description and settlement agreement to more exactly describe the two properties as being equal. (9:42 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-113.**

RESOLUTION NO. 2005-113

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, RELATING TO THE SETTLEMENT OF THE LAWSUIT VIRGINIA WHETSTONE V. ST. JOHNS COUNTY V. CAMP, DRESSER, & MCKEE AND METRIC CONSTRUCTORS, INC., IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY, FLORIDA, CASE NO.: CA98-1501; AND AMENDING CERTAIN EXHIBITS THERETO

(04/20/05 - 7 - 9:43 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF A SUB-LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE FRIENDS OF EXCELSIOR, INC., A FLORIDA NON-PROFIT ORGANIZATION, FOR THE EXCELSIOR BUILDING LOCATED ON MARTIN LUTHER KING AVENUE

Mary Ann Blount, Land Management Director, relayed that the Friends of Excelsior had requested to enter into a sublease with St. Johns County to occupy the Excelsior building, which is located on Martin Luther King Avenue; St. Johns County had an existing lease with the State that began in August 1998 and expires October 2028. She said the Friends of Excelsior proposed to implement a program at the Excelsior Museum and Cultural Center entitled "The Way We Were." Discussion followed regarding renewal of the lease. (9:46 a.m.) Otis Mason introduced the members of the Friends of Excelsior who were present at the meeting: Gene Motley, Rev. Nathaniel Jackson, Jacqueline Bryant, Ruth Motley, and Isabelle Jenkins. Mason then explained the cultural history that would be presented at the Excelsior Center. (9:53 a.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-114, accepting the terms of a sub-lease agreement between St. Johns County, Florida, and the Friends of Excelsior, Inc., a Florida non-profit organization, for the Excelsior Building located on Martin Luther King Avenue, and authorizing the Chairman of the Board to execute said agreement.** (9:53 a.m.) Mike Rubin, Director of Construction Services, presented the keys for the Excelsior Building to Mr. Otis Mason.

RESOLUTION NO. 2005-114

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF A SUB-LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE FRIENDS OF EXCELSIOR, INC., A FLORIDA NON-PROFIT ORGANIZATION FOR THE EXCELSIOR BUILDING LOCATED ON MARTIN LUTHER KING AVENUE AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE SAID AGREEMENT

(04/20/05 - 8 - 9:54 a.m.)

2. PRESENTATION ON THE HISTORY OF PALM VALLEY BY GREG LEONARD, PRESIDENT OF THE PALM VALLEY COMMUNITY ASSOCIATION

Donna Godfrey, Senior Planner, introduced Greg Leonard. (9:56 a.m.) Greg Leonard, President of the Palm Valley Community Association, gave a PowerPoint presentation on the history of Palm Valley.

The meeting recessed 10:28 a.m. and reconvened at 10:39 a.m.

(04/20/05 - 8 - 10:40 a.m.)

3. CHAMBER OF COMMERCE QUARTERLY ECONOMIC DEVELOPMENT UPDATE

Kari Hall-Keating, Director of the Economic Development and Tourism, St. Augustine and St. Johns County Chamber of Commerce, gave a PowerPoint presentation that included: St. Johns County Day in Tallahassee, Super Bowl XXXIX, business recruitment, business expansion, membership, marketing, and a preview of the third quarter.

(04/20/05 - 9 - 10:50 a.m.)

4. PRESENTATION OF THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Jeff Sheffield, Director of Planning with First Coast MPO, gave a PowerPoint presentation, that included: the MPO service area; the shared responsibilities of the FCMPO; then, reviewed the draft Transportation Improvement Program for FY 2005/2006 - 2009/2010. (10:59 a.m.) Discussion followed regarding the total cost for the Transportation Improvement Program, the resurfacing of A1A between Vilano Beach to Ponte Vedra, and over budgeting. (11:05 a.m.) Sheffield announced the Regional Greenway Trails Master Plan public hearing that would be held at Bartram Trails High School on April 21, 2005 at 5:30 p.m.

(04/20/05 - 9 - 11:06 a.m.)

5a. RESOLUTION TO SET A PUBLIC HEARING TO HEAR A REQUEST TO VACATE A PORTION OF 2ND STREET AT OAK AVENUE (VACROA 04-011)

Charles Kohler, Development Review Chief Engineer, requested that a public hearing be set for May 18, 2005 concerning closing a portion of 2nd Street at Oak Avenue in Vilano Beach. (11:06 a.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-115 to set a public hearing for 9:00 a.m. on May 18, 2005 to consider a petition to vacate a portion of 2nd Street at Oak Avenue.**

RESOLUTION NO. 2005-115

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SETTING A PUBLIC HEARING FOR MAY 18, 2005 AT 9:00 A.M. TO CONSIDER A PETITION TO VACATE A PORTION OF 2ND STREET AT OAK AVENUE

(04/20/05 - 9 - 11:07 a.m.)

5. PUBLIC HEARING - VACROA 2004-004, REQUEST TO VACATE A PORTION OF SOUTH FRANCES ROAD - THE APPLICANT, WORLD COMMERCE CENTER, LLP, REQUESTS THE CLOSURE (VACATION) OF A PORTION OF THE EXISTING RIGHT-OF-WAY FOR SOUTH FRANCES ROAD. SUBJECT VACATION IS IN THE VICINITY OF THE SOUTHWEST CORNER OF I-95, ADJACENT TO THE SOUTHBOUND ENTRANCE RAMP TO I-95. THE RECENTLY CONSTRUCTED AND DEDICATED WORLD COMMERCE PARKWAY HAS FUNCTIONALLY REPLACED THE REQUESTED SEGMENT OF ROADWAY IN ITS ENTIRETY

Proof of publication of the notice of public hearing on the request to vacate a portion of South Frances Road (VACROA 04-004) was received, having been published in *The St. Augustine Record* on March 30, 2005.

Charles Kohler, Development Review Chief Engineer, informed the Board that the World Commerce Center right-of-way had been deeded to the County, there was a maintenance bond, and the right-of-way improvements were in place. (11:07 a.m.) Anna Shea, Law Firm of Rogers Towers, 170 Malaga Street, representing the applicant, was present to entertain questions. (11:08 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2005-116, vacating certain portions of South Francis Road in the World Commerce Center.**

RESOLUTION NO. 2005-116

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, VACATING CERTAIN PORTIONS OF SOUTH FRANCES ROAD IN THE WORLD COMMERCE CENTER

(04/20/05 - 10 - 11:09 a.m.)

6. PUBLIC HEARING - APPEAL TO PZA APPROVAL OF ZONING VARIANCE/FILE ZADMPL 2005-01- THIS REQUEST IS AN APPEAL BY MR. AND MRS. CHARLES ZULLIG AND DEREK EISNOR, TO THE APPROVAL OF A ZONING VARIANCE GRANTED BY THE PLANNING AND ZONING AGENCY ON JANUARY 20, 2005. THE REQUESTED VARIANCE ALLOWS THE REDUCTION IN THE SETBACKS ON THE SOUTHERN BOUNDARY OF THE LOT FROM 15 FEET TO 7 FEET, AND THE NORTHERN BOUNDARY OF THE LOT FROM 8 FEET TO 4 FEET. THE PROPERTY IS LOCATED AT 5799 GLORIA AVENUE, LOT 1, BLOCK A, BUTLERS BEACH SUBDIVISION. AN ORDER OF THE PLANNING AND ZONING AGENCY GRANTED THE REQUEST, SUBJECT TO CONDITIONS: (1) THE VARIANCE SHALL BE TRANSFERABLE, (2) THE DRIVEWAY SHALL BE LOCATED OFF GLORIA AVENUE ONLY, (3) THE MAXIMUM HEATED AND COOLED AREA SHALL NOT EXCEED 2,500 SQUARE FEET, AND (4) THE VARIANCE SHALL COMMENCE WITHIN TWO YEARS OF THE SIGNING OF THE ORDER (WHICH WAS FEBRUARY 3, 2005, FINDING: (1) THE REQUEST IS IN COMPLIANCE WITH PART XII, LDC, DEFINING VARIANCE, WITH SUBSTANTIAL EVIDENCE TO SUPPORT A HARDSHIP, (2) THE REQUEST IS NOT IN CONFLICT WITH SURROUNDING DEVELOPMENT AND NOT IN CONFLICT WITH PROPOSED DEVELOPMENT OF THE AREA, AND (3) THE REQUEST MEETS THE CRITERIA ESTABLISHED BY SECTION 10.04.2 OF THE LDC. ON MARCH 4, 2005 THE AGGRIEVED PARTIES FILED AN APPEAL IN A TIMELY MANNER, AS PRESCRIBED BY THE LAND DEVELOPMENT CODE. THE APPELLANTS' REPRESENTATIVE HAS STATED THAT THE ZULLIG'S LOT IS IMMEDIATELY ADJACENT TO THE SUBJECT PROPERTY OF THE VARIANCE OWNED BY MR. AND MRS. SELVIN GUMBS

Proof of publication of the notice of public hearing regarding the appeal to PZA approval of zoning variance ZADMPL 2005-01 was received, having been published in *The St. Augustine Record* on April 4, 2005.

Sherry Smith, Court Reporter, was present.

Allyson Currie, The McLeod Firm, 1200 Plantation Island Drive S., representing the applicants, Mr. and Mrs. Charles Zullig, and Dr. Derek Eisnor, was present. (11:11 a.m.) Rosemary Yeoman, Zoning Manager, explained that the appeal was to a granting of a zoning variance by the PZA on January 20th, and their order stated that they found a specific hardship. She added that the requested variance reduction was on a second front yard, from 15 feet to 7 feet, and on the northern side yard from 8 feet to 4 feet. Yeoman added that the property was located at Gloria Avenue. Discussion followed regarding the visibility, the buildable area, the size of heated and cooled area, and the number of variances granted in the neighborhood. (11:21 a.m.) Currie addressed the hardship, the variance that was granted, other corner lots, other homes that were built without variances, variances on corner lots, and public safety. (11:44 a.m.) Currie asked several questions of Rosemary Yeoman, to which she responded, regarding the size of the house that could be built, the number of floors, the size of the lot in question,

setbacks on corner lots, septic systems, the plat of Butler's Beach Subdivision, the lot being undersized and irregular in shape, the width of the paved area of Minnie Street in relation to the amount of right-of-way, setbacks on corner lots, the width of the lot at the narrow end, whether there were any variances granted on corner lots in Butler's Beach Subdivision, the impact on other lots if the variance was granted, the location of the driveway, and the hardship that supported staff's recommendation to grant the variance. Discussion followed on whether a house could be built on the lot without a variance.

(12:08 p.m.) George McClure, 170 Malaga Street, asked questions of Rosemary Yeoman, to which she responded, regarding when the County first adopted a zoning ordinance that affected the setbacks on the property in question, the various departments that review variance applications, and whether any of those departments had any objection on health, safety, or welfare grounds for the granting of the variance. (12:10 p.m.) McClure, representing Eva Findley Gumbs, introduced Mr. John Valdes. Valdes stated his credentials; then, said he was asked by the Gumbs to potentially build a home on their property. Valdes explained the configuration of the lot, trying to fit a workable floor plan onto that footprint, the interior stairway, and the design of building. (12:24 p.m.) Currie posed several questions to Valdes, to which he responded, regarding the total amount of square footage he could build on the lot without a variance, setbacks, drainage on the property, the grade difference on the two lots, a possible bulkhead on the property, and the coastal construction control line. (12:36 p.m.) McClure posed several questions of Valdes, to which he responded, regarding the coastal construction control line. (12:37 p.m.) McClure addressed the history of Butler's Beach, the definition of a variance, the average lot size, setbacks, the configuration of the property, the ability to build on the lot, and vesting. (1:04 p.m.) Currie gave a brief summation of her case regarding hardship.

(9:17 a.m.) Greg Mason, 5784 Rudolph Avenue, commented on Item #6 at the beginning of the meeting because he was not able to be present when the item was heard. He commented in opposition to the previously granted variance.

(1:07 p.m.) Derek Eisnor, 5804 Rudolph Avenue, commented in opposition to the previously approved variance. (1:10 p.m.) Eisner responded to questions of McClure regarding the pedestrian traffic.

(1:21 p.m.) **Motion by Stern, seconded by Bryant, to approve the appeal, reversing the Planning and Zoning Agency approval order, dated February 3, 2005, denying a zoning variance for Lot 1, Block A, Butler's Beach Subdivision, for the reduction of required setbacks from 15 feet to 7 feet on the southern property boundary, and from 8 feet to 4 feet on the northern boundary.** Discussion followed regarding the applicant being able to build in the coastal construction zone, and the hardship. (1:25 p.m.) **Stern offered an amendment to the motion to waive the one-year requirement after a FDEP permit is obtained.** (1:25 p.m.) **The motion carried 4/1, with Rich opposed.**

The meeting recessed at 1:26 p.m. and reconvened at 2:03 p.m. with Maguire, Bryant, Rich, Michael Hunt, Deputy County Attorney, Ted Zebrowski, Assistant County Administrator, and Deputy Clerk Terry Bulla present. (2:04 p.m.) Stevenson entered the meeting, and at 2:05 p.m. Stern entered. The meeting resumed with Item No. 14.

(04/20/05 - 11 - 2:59 p.m.)

7. PUBLIC HEARING - ZNZVAR 2005-01 FOURTH STREET/VILANO, GARY B. DAVENPORT, ESQ. - THIS REQUEST IS A NON-ZONING VARIANCE TO SECTION 6.07.01 OF THE LAND DEVELOPMENT CODE, WHICH REGULATES HOW HEIGHT IS MEASURED. THE REQUEST IS TO MEASURE

35 FEET ABOVE THE CENTER POINT OF THE ADJACENT FOURTH STREET INSTEAD OF MEASURING FROM THE LOWEST POINT OF THE ESTABLISHED GRADE SURROUNDING THE PERIMETER OF THE STRUCTURE. THE SUBJECT PROPERTY CONSISTS OF SIX LOTS, WEST OF FOURTH STREET, VILANO BEACH, BETWEEN MEADOW AVENUE AND SURFSIDE AVENUE

Proof of publication of the notice of public hearing regarding the ZNZVAR 2005-01, Fourth Street/Vilano, was received having been published in *The St. Augustine Record* on March 16, 2005.

Rosemary Yeoman, Zoning Manager, said the Board was being handed copies of correspondence, the Planning & Zoning Agency staff report and recommendations developed after the hearing on April 7th, which was a recommendation for approval.

Maguire declared ex parte, for the same reasons as the previous item and he assumed that the other commissioners declared the same ex parte since the items were related. The other commissioners concurred.

(3:00 p.m.) Motion by Stern, seconded by Bryant, carried 5/0 to approve Non-zoning Variance ZNZVAR 2005-01, to allow height of structures on six lots to be measured 35 feet above the center point of the adjacent Fourth Street, adopting Findings of Fact 1 thru 6 to support the motion.

(04/20/05 - 12 - 2:50 p.m.)

8. PUBLIC HEARING - PNZVAR 2005-001, FOURTH STREET/VILANO - APPLICANT SEEKS A NON-ZONING VARIANCE TO ARTICLE IV, SECTION 4.01.02.E, OF THE LAND DEVELOPMENT CODE, ON SIX LOTS LOCATED IN THE SURFSIDE SUBDIVISION SPECIFICALLY BLOCK A, LOTS 1, 11, 12, 13, 14, 15. THE REQUEST IS TO REDUCE THE COMBINED REQUIRED SQUARE FOOTAGE OF THE 25 FOOT UPLAND BUFFER OVER ALL THE LOTS FROM 7750 SQUARE FEET TO 3100 SQUARE FEET, MAINTAINING THE 10 FOOT MINIMUM UPLAND BUFFER, AND TO CONSTRUCT PILING HOMES OVER THE REMAINING UPLAND BUFFER

Proof of Publication of the Notice of Public Hearing on the Non-Zoning Variance (PNZVAR 2005-001) Fourth Street/Vilano was received having been published in the *St. Augustine Record* on April 5, 2005.

Jan Brewer, Environmental Manager, Planning Division, presented the request for variance. She noted that two commissioners currently sitting were not sitting when it was previously submitted. She reviewed the request and stated that the Board had originally heard it on June 15, 2004 and that the Board denied the variance with a 5/0 vote. She explained that since that hearing the applicant had modified the project by reducing the footprint of the homes, decreasing the number of potential docks from 6 to 3, and offering off site land in exchange for any loss of habitat value because of the proposed activity. She noted she had received 3 letters of support relating to the project. She stated that two other issues had relevance to the project, first the front yard setback had been reduced from 25 to 15 feet and second, the applicant was also requesting a variance to the method in which the height of the structure was measured, and that request would be heard following the current agenda item.

(2:53 p.m.) Stevenson asked for staff recommendation. Brewer said they had reduced the footprint of the homes, reduced the number of docks, were maintaining the 10 ft buffer, were restoring native vegetation, the homes were now on pilings, and offsite mitigation land had been offered. Stevenson noted that the developer had gone a long

way to meet the concerns of the original proposal and still kept a developable lot. Brewer explained that they still had to get the proper permitting from DEP and the Army Corps of Engineers. She stated that the remainder of land would be in a conservation easement. She said that all the measures taken were what those agencies were looking for.

(2:56 p.m.) Gary Davenport, 3266 Pacetti Rd., stated he was representing the owners of the property and that two owners were present along with their environmental scientists for any questions the Board might have. He said he had nothing additional to present, but noted they had worked long and hard with the State agencies and with Brewer to come to a good solution for all parties involved.

(2:57 p.m.) Stern disclosed ex-parte communications and noted she had met with Davenport and Killibrew at the site. She stated that the site was lovely and she was pleased with the proposed changes and with retention of the vegetation. Maguire revealed ex-parte stating that he had met with Mike Brewen at the site about a year ago. He said he could not recall the specifics of what they had discussed but that it involved site development. Rich stated he had ex-parte communication with Killibrew and Davenport. Stevenson revealed ex-parte communication pertaining to the history of the project and what they had done regarding the environmental concerns.

(2:58p.m) Motion by Rich, second by Bryant, carried 5/0 to approve Non-zoning Variance 2005-001 adopting Findings of Facts 1 thru 6 to support the motion.

(2:58 p.m.) Vivian Browning, 40 Beachcomber Way, stated she was in support of the project as a neighbor and as a community member. She said she represented one of the buyers.

[\(04/20/05 - 13 - 3:01 p.m.\)](#)

9. PUBLIC HEARING - REZ 2005-01 WHETSTONE PLACE - THIS REQUEST SEEKS TO REZONE 4.56 ACRES FROM INDUSTRIAL (IW) TO COMMERCIAL GENERAL (CG) IN ORDER TO CONVERT EXISTING MANUFACTURING USES TO OFFICE AND RETAIL USES. THE CURRENT USE OF THE SITE IS MANUFACTURING FACILITY. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 312, GENERALLY WEST OF COKE ROAD. THE PROPERTY IS LOCATED IN THE MIXED USE LAND USE DISTRICT AS DEPICTED ON THE FUTURE LAND USE MAP. POLICY A.1.9.8 OF THE 2015 COMPREHENSIVE PLAN REQUIRES BUFFERS AROUND DEVELOPMENTS WITHIN THE MIXED USE DISTRICT TO PROVIDE FOR COMPATIBILITY WITH ADJACENT USES. THE SUBJECT PROPERTY IS SERVED BY ONSITE WATER/SEWER. ADJACENT ZONINGS INCLUDE PSD TO THE WEST, COMMERCIAL GENERAL TO THE NORTH AND SOUTH, AND INDUSTRIAL TO THE EAST. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6/0 (WITH ONE MEMBER ABSENT) AT THEIR MARCH 17, 2005 MEETING

Proof of Publication of the Notice of Public Hearing on the Proposed Rezoning of 2 Coke Road known as REZ 05-01 Whetstone Place, was received having been published in the *St. Augustine Record* on April 5, 2005.

Lindsey Haga, Planner II, stated they had no new information to present and offered to summarize the project. She stated she did not see the applicant in the audience.

(3:01 p.m.) Motion by Stevenson, seconded by Stern, carried 5/0 to enact Ordinance 2005-38 known as REZ 2005-01 Whetstone Place, adopting Finding of Fact 1 thru 4 to support the motion.

ORDINANCE 2005-38

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

(04/20/05 - 14 - 3:02 p.m.)

10. PUBLIC HEARING - PRD 2004-03 ASHTON OAKS PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 181.8 ACRES LOCATED IN WESTERN ST. JOHNS COUNTY ALONG CR 13A, JUST SOUTH OF STATE ROAD 208 FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF TWENTY FOUR (24) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 85%/15% RULE FOR DENSITY. THE DEVELOPMENT AREA EQUALS 27.12 ACRES AND THE RESERVE AREA EQUALS 154.68 ACRES. LOTS WILL RANGE FROM FOUR (4) ACRES IN SIZE TO 16 ACRES IN SIZE AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE APPROXIMATELY ½ ACRES IN SIZE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MARCH 17, 2005 HEARING BY A VOTE OF 4/2 WITH THE FOLLOWING CONDITIONS: REMOVE THE WAIVER TO EXTERNAL SIDEWALKS, DELETE THE WAIVER TO MEETING THE UPLAND/WETLANDS RATIO OF THE COMPREHENSIVE PLAN, AND AMEND TEXT TO ONLY ALLOW ENVIRONMENTAL FENCING AS APPROVED BY THE ENVIRONMENTAL PLANNING SECTION OF ST. JOHNS COUNTY. THE APPLICANTS HAVE SUBSEQUENTLY COMPLIED WITH ALL OF THESE CONDITIONS WHICH ARE REFLECTED IN THE STAFF REPORT

Proof of Publication of the Notice of Public Hearing on the Proposed Rezoning at 1700 CR 13A known as PRD 04-03 Ashton Oaks was received having been published in the *St. Augustine Record* on April 5, 2005.

Lindsey Haga stated she was presenting for Bruce Ford, Chief Planner. She said the only new information was a replacement citation on page 10 of 13 of the PRD text to reference the correct portion of the Land Development Code regarding the waiver request for internal sidewalks.

(3:02 p.m.) Karen Taylor, 3070 Harbor Drive, St. Augustine, noted that Charles David was present. She said there were no other changes. Stern asked for clarification regarding the reference to sidewalks. Haga explained the correct portion of the Land Development Code regarding the waiver for internal sidewalks. Stevenson clarified that they were not asking for a waiver for the external sidewalks, and that it would be decided in Development Review.

(3:03 p.m.) Taylor said that was correct, and under duress. She said it related to internal sidewalks in an equestrian community, and they were providing riding trails along the road, which were stabilized, instead of installing sidewalks. She said they were going to request to pay into the sidewalk fund.

Stevenson questioned whether well and septic were common to that area. Taylor said it was for Planned Rural Developments. Stevenson asked if the homeowners would own the reserve area. Taylor responded that it would actually be part of their lots, which ranged from about 5 acres to 15 acres.

Rich commented to staff that he encouraged use of the sidewalk fund, especially in areas such as the one they were currently considering, so they would not end up with more sidewalks leading to nowhere.

Stern expressed concern with sidewalks, especially in rural areas with PRDs. She acknowledged Taylor's frustration with the sidewalk issue, and said she was confused because the Board was continuing to see the sidewalk waiver. She asked if that was something being heard at the staffing level, rather than at the Board level. Haga said that was correct. Stern asked for clarification in that the Board was not looking at the waiver for that particular project. Taylor explained that there was still only one waiver for internal sidewalks being requested.

(3:08 p.m.) Maguire asked for another review on external sidewalks. He said his understanding was that there was no waiver required for an external sidewalk if they agreed to pay into the fund, and that the applicant made that determination. He said the applicant could build the sidewalk or pay into the fund. He said that if they wanted to do away with it completely, then they had to request a waiver from the Board.

Haga said it was not at the applicant's discretion, but that they could present information at the construction plan review if the sidewalk was not warranted along the right-of-way, and then they had an option to pay into the sidewalk fund. She said a waiver had to be requested if they were not going to build a sidewalk or were not going to pay into the sidewalk fund. Taylor clarified that it was not up to the applicant to build it or to pay into the fund, it was up to Development Services, but the applicant could appeal their decision to the Board.

(3:10 p.m.) Motion by Rich, second by Stern, carried 5/0 to enact ordinance 2005-39 as RPD 2004-30 Ashton Oaks PRD adopting Findings of Fact 1 thru 5 including internal sidewalk waiver to support the motion.

ORDINANCE NO. 2005-39

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM 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**

(3:10 p.m.) Stern left the meeting.

(04/20/05 - 16 - 3:11 p.m.)

11. PUBLIC HEARING - COMPAMD 2004-08 TWIN CREEKS DRI - THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT CONSTITUTES A MAP AMENDMENT TO THE 2015 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO CONSERVATION (CV) AND TWO TEXT AMENDMENTS TO AMEND OBJECTIVE H.1.6 TO AUTHORIZE "PIPELINING" AND TO AMEND THE CAPITAL IMPROVEMENTS SCHEDULE TO INCLUDE THE PROPOSED IMPROVEMENTS. THIS IS A DRI-RELATED AMENDMENT AS ALLOWED BY FLORIDA STATUTE SECTION 380.06(16). THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 3,050 ACRES IN TOTAL. THE PORTION FOR WHICH THE FUTURE LAND USE DESIGNATION CHANGE IS REQUESTED COMPRISES 157 ACRES. THIS PORTION OF THE PROPERTY IS CURRENTLY DESIGNATED AS R/S ON THE FUTURE LAND USE MAP AND IS ZONED OPEN RURAL (OR). IT IS PART OF THE PROPOSED TWIN CREEKS DRI. THE TEXT AMENDMENT IS REQUESTED FOR THE ENTIRE PROPOSED DRI PROPERTY. THE COMBINED LANDS ARE CURRENTLY DESIGNATED R/S, MD, RESIDENTIAL B AND RESIDENTIAL A AND HAVE A ZONING OF OR

Proof of Publication of the notice of public hearing on the Proposed Amendments to the Future Land Use Map and the Goals, Objectives and Policies of the Comprehensive Plan as Related to the Proposed Twin Creeks Development of Regional Impact was received, having been published in the *St. Augustine Record* on March 18, 2005.

(3:12 p.m.) Isabelle Lopez entered and Hunt left the meeting. Stevenson returned to meeting.

(3:12 p.m.) Teresa Bishop, AICP, Planning Director, presented the item and said it was associated with the Twin Creeks DRI. She pointed out a typo on the front page of the agenda sheet, and explained that ex parte communications were not required for the item. She also noted there was a courtesy information list on the back table, and anyone who signed the list would receive a notice from DCA stating when the notice of intent for that amendment would be published in the newspaper. She said the list would be sent at the time of adoption, and the final hearings should be held sometime during the latter part of the summer.

Maguire asked if the plan was a slightly different Comprehensive Plan because it related to pipelining and not the traditional aspects of an amendment change. Bishop said that was correct. She explained that there were three amendments associated with the transmittal request. She said the first was a land use amendment with 157 acres on the Durbin Creek portion of the property. She stated the designation was currently Silviculture and the applicant was asking for it to be changed to Conservation. She explained that the second part of the amendment they were asking the Board to transmit was to authorize pipelining for the project. She said the pipelining request was for a transportation contribution for their proportion in impacts on what they projected they would be impacted on the roadway systems in that area. She stated the amount was \$46,627,300. She noted that staff was still reviewing that information and they anticipated that the amount could go up for their transportation mitigation impacts. She said the applicant was proposing to construct improvements to County Road 210 west, I-95 and the County Road 210 west interchange, and US 1 and the County Road 210 interchange and to make a contribution to the St. Johns County Transportation Management Organization. She emphasized that all those plans were still in discussion with staff and that staff had not agreed to the improvements or to the actual mitigation dollar amount that they were hearing that day. She said they were asking the Board to transmit it to the Dept. of Community Affairs for additional review and information

from the State agencies. She explained that it was a step in the process for all Comprehensive Plan amendments. She said it was associated with a DRI and it would follow the Comprehensive Plan amendment track and process up to the point of transmittal. She said that at that point it would break off. She said DCA would honor its 60 days and they would send them comments from all the State agencies and staff would address those comments. She noted that at that point it would be under the DRI review. She explained that everything, including the Comprehensive Plan Amendment request and the DRI Proposal, would come back to the Board for one final hearing to make the final determination to approve or deny.

(3:16 p.m.) George McClure, 170 Malaga St., stated he represented the applicant and made the presentation. He stated that there was a significant difference between the transmittal hearing being held that day and other transmittal hearings on Regions of Developmental Impact. He said that all of the previous ones since 1998 had required a Comprehensive Land Use map change. He noted that their application did not involve a change, which would grant any development rights. He stated that the property in question was designated precisely for the use they saw before them.

(3:21 p.m.) McClure introduced the two principals of Falcon South Jacksonville Properties, LLC, John Evacious and Evan Robiniwitz and, from Prosser Hallock, Dick Prosser, Bernie O'Conner, Fred Kyle, Tony Robins and Don Fullerton. He said that Bruce Robins was the consultant on the project and Kim Ellerton with Environmental Resource Solutions was also working with them. He reviewed the future land use map and gave a review of how the designation was determined. He said he had recommended to the applicants that do exactly what the County had approved for the development on the site. He said they already had development rights with respect to the property and those rights had been well conceived. He said the conservation designation was in place and the improvements modification would be followed per the County's instructions. He said the transmittal of their application would result in an additional tool to the County on how to deal with transportation concurrency. He said the transmittal did not require them to accept pipelining as a way to deal with transportation and it did not commit them to the dollar amount, which would most likely go up. He said they still had to meet negotiations with the County. He added that it did not commit the County to what the improvements would be or the timing of those improvements.

(3:27 p.m.) Ellen Whitmer, 1178 Natures Hammock Road S., spoke against transmittal of the comprehensive land use plan amendments concerning the Twin Creeks Development of Regional Impact. She said it would be step number one in the process of going forward to the ultimate approval in the development of regional impact. She noted that the amendments were intertwined. She stated that pipelining was a way to circumvent concurrency. She said they were currently in a deficit situation on transportation funding. She said the project was not needed, was contrary to public interest, and did not comply with state law. She stated that it was more urban sprawl and that the County had approved enough development in that area to last for years to come.

(3:30 p.m.) Bryant asked Whitmer if she was asking the Board not to transmit. Whitmer said that timing was essential, even if something was on the map. She noted that the courts had upheld that. She said she believed the current project to be premature even though it was on the map. Bryant asked Whitmer to cite the court case. Whitmer responded that she couldn't but that the courts had generally held that timing was a criterion that could be used to halt procession of development.

(3:31 p.m.) Lopez said it was generally a correct statement and explained that what Whitmer was referencing to was a series of cases that said simply because a certain

color was on a map it did not mean that a particular project had a definitive right for a particular zoning at a particular time. She added that she was not sure that it would relate to the pipelining. Bryant asked if it could be broken up into smaller pieces and sold off and come before them in a different form. Lopez said that it could. Bryant said that was the point he had tried to make.

(3:32 p.m.) Stern reiterated that it was not the type of transmittal they were accustomed to, and the development rights were already there. She stated there was a lot yet to be done. She cautioned that they had a major piece of the puzzle before them and they needed to make sure they fixed it because there wouldn't be another chance to do it. She said what was done would impact so many, so they had to be sure it was done correctly. She said that if they approved transmittal at that meeting, it did not insure that what they saw then was what they were going to get, because there was a lot left to do. She noted there were many issues left to be resolved, but that she felt comfortable that if they voted to transmit they would have plenty of opportunity to resolve the issues before there was final approval.

(3:35 p.m.) Stevenson said she was concerned about transportation issues in the area, with the timing and whether it would protect the health, safety and welfare of the community. She noted that Jacksonville was experiencing shortfalls in funding for transportation issues and she was concerned about how that would affect the County for being in line for funds. She noted she had specific concerns and asked them to look at the Green Building Council Rules that were adopted in Alachua County. She also expressed concern with the fast build out plan and questioned the rate of absorption of the background traffic. She questioned whether timbering would take place in the conservation area. McClure responded that no timbering would take place in the conservation area and they planned to stay out of the wetlands. She also expressed concern that access to kayakers be given since part of the area being developed was part of a connection to the Blueways area. Stevenson said she was concerned that they were going to create a situation that was even bigger than that of 210, and she was worried about the hurricane evacuation routes. She said she did not think it was within their ability to fix those issues. She cautioned that she had a real serious problem with transmitting their request, knowing that those serious problems were out there, including the need for a library in that area.

(3:40 p.m.) McClure said that the County was a tougher taskmaster than the Regional Council in that the County's expectation of what needed to be met was higher. He said that the concerns could be discussed in a workshop prior to the Regional Council meeting so that all their concerns could be presented. He suggested a workshop sometime in July. He recognized it was a valuable piece of property, and that it really was a key piece in the puzzle. He said their objective was to have no net worsening of the conditions but that as a result of their work the conditions would improve. Maguire asked Zebrowsky to coordinate a meeting.

Stevenson asked McClure if his client was committing to making all the transportation improvements prior to the vertical construction. McClure answered, not all of them. He said they had proposed to begin the six-laning of 210 within their property boundary prior to doing any horizontal construction; in essence they could not start their roads until the County started their roads. He said that on the US 1 and I-95 interchanges there were two conditions that were out of their control on each end. He stated that rights-of-way had to be obtained on the east side of the interchange, and there were parcels in that portion that needed to be condemned in order to secure rights-of-way. He said the State was doing the PD&E study on that, they had committed to do the engineering design within 6 months of the State's completion of the PD&E and they would be under construction within 6 months upon receipt of all

permits. He noted the State and County permits were not an issue and he did not think that Corps permits were an issue. He explained that on the other end, there was a little bit of right-of-way needed to do the six-laning and the approach ramps. He said they were prepared to discuss where the payments for the necessary property would come from. He noted that the State had the study for the ramp scheduled for 2008 and they didn't have those improvements scheduled anywhere on the horizon. He explained that the study had to be done before improvements could be performed which touched the travel lanes of I-95. He said they were reviewing what work could be performed without that study but that the study was required. He stated that his client had proposed that they would advance fund the study and would be able to do it quicker than the State could and they were prepared to start it immediately.

(3:48 p.m.) Stevenson asked if they were going to do improvements before the study was done. McClure stated that they were, to the extent that the DOT would permit them. He said it was the Federal Highway Administration that reviewed the report and they thought they could have the report done in a year from where they were at that moment. He said all they were asking them to do was to accelerate their review of the study and it would be helpful to everyone because they were willing to put their money on the proposed improvements. He noted that what they could control, they would start immediately. He added that there were also other developments of regional impact both existing and proposed that would have an impact on that intersection, from whom the County could also tap money in order to ensure that an adequate pocket of money would be available to fund any reasonable improvement that was required. He said the funds would be on the table for staff recommendations and for the Board from a policy end, but that they could choose to reallocate how they chose to spend the money. He said staff had made it clear early on that the intersection was a problem and that they could not allow it to be made any worse. He said the first of their improvements to State Road 210 they were proposing to start in June of 2006.

(3:53 p.m.) Rich stated he was glad to see the 157 acres going into conservation and applauded them for putting the Board in a situation where they were not having to look at a comp plan and changes on the housing that was to be built.

McClure responded to Whitmer's comment saying they were only developing the land at approximately 25 percent of what the maximum allowable development would be.

(3:56 p.m.) Stern said she wanted to return to the pipelining issue, and that it was the I-95 ramp that was the main point of stress. She said that though she might love what they were doing on 210, it was the I-95 interchange that was the real bottleneck and it would be adding to a very congested area anyway. She emphasized that it was a major piece of the puzzle, and she said it was the last chance to fix the problem and to fix it right.

(3:57 p.m.) Stevenson asked how much concurrency they currently had on the road. McClure responded that they had zero concurrency, but they would fix the segment necessary to get concurrency. Stevenson asked if transmission could be made with conditions specified regarding their concerns about the transportation elements.

(3:59 p.m.) Lopez said she knew of no reason why they legally could not attach any comments the Board wanted to attach. McClure said the Board had done it before. He summarized that they represented the problem because of the development, but they also represented the solution because they had funds to resolve the problem. He said the developer was prepared to hand them a check for \$46 million on day one. He emphasized that the developer wanted to work it out, and asked the Board simply to

tell them what they would need to work the situation out to achieve a fix that was viable for everyone.

(4:01 p.m.) Stern noted that staff has no objections to the transmittal. She asked Bishop to reiterate some things they had discussed concerning their reservations.

(4:02 p.m.) Teresa Bishop said that minutes of the meeting had been attached to the transmittal to DCA. She said that everything they had discussed in that meeting and everything in their packets would be sent to DCA, and a transmittal cover letter. She explained that specific questions had to be answered in the letter and additional concerns could be stated. She said they would be aware of their concerns and they had sent them minutes in the past. She reported that staff did not object to transmittal. She said that if they did not transmit it now, it would come back to them in the future for transmittal. She said it had to transmit before there could be final hearings. She said it was a step in the process and staff had worded the suggested motion in such a way so that additional review and comments for the Department of Community Affairs and State agencies could be heard. She added that the Planning & Zoning Agency did recommend transmittal, but they had expressed many of the same concerns. She said other issues would be covered in the final DRI but did not need to be transmitted at that time.

(4:05 p.m.) Motion by Stern, seconded by Maguire, carried 5/0 to approve transmittal of COMPAMD 2004-08 Twin Creeks DRI to the Florida Dept of Community Affairs to request additional review of this application to amend the 2015 Comprehensive Plan, with the minutes attached so that DCA will be aware of the discussions and concerns the Board had raised, to be approved in the final adoption.

Stevenson said she wanted to be sure that animal wildlife crossings were being given due consideration in the comments to DCA and wanted that included in the minutes to be submitted.

The meeting recessed at 4:07 p.m. and reconvened at 4:15 p.m. with Robin Platt, Deputy Clerk, in attendance and Terry Bulla, Deputy Clerk, no longer in attendance. The Board readdressed Item No. 14.

[\(04/20/05 - 20 - 2:03 p.m.\)](#)

14. CONSIDER ADOPTING A RESOLUTION FOR THE PROPOSED PURCHASE AND SALE AGREEMENT BETWEEN ST. JOHNS COUNTY AND JNM BEACHSIDE DEVELOPMENT, LTD

Mary Jane Little, Library System Director gave a brief history stating that at the March 2004 meeting a motion was made to authorize the County Administrator to negotiate a contract with Jay McGarvey and to investigate a financing package with PMF, financing consultants. She explained she was at the current meeting to present the work that had been done over the past year towards that effort. She noted that they had worked diligently with the County Attorney's office, the County's real estate office, Construction Services, McGarvey and his staff, the City of St. Augustine Beach, the Library Advisory Board, and the County Administrator. She said that all the key stakeholders were present and asked the Board for their input and questions.

Stern declared that the Library Advisory Council was very supportive of that site. She stated that they had all worked very hard on the project and had done exactly what the Board had asked her to do last year, and it looked good to her.

Stevenson questioned the amount of parking. Little said she was happy with the 236 parking spots available. She compared the facility with the Bartram Trail Branch, which

had 10,000 square feet, and said she was confident that the parking would be acceptable.

Maguire expressed concern with the contract. He said he did not oppose the site, and was very appreciative with what Jay McGarvey had offered, however he could not accept the contract as presented. He explained it was not related to the parcel but to the contract itself. He noted that the original price had been \$100,000 including certain expenses, which had been previously specified. He stated the price was now up to \$117,640, and the Board had agreed to \$100,000, not an additional \$17,640. He pointed out that on Section 4, page 2 it read "permitted use, library or other type of cultural facility such as a museum". He continued, "seller retains and reserves sole authority to make determination." He said he could not accept those statements and if those stipulations remained he would vote No. He also noted a typo, which indicated the seller was to secure parking but it should read, the buyer. He questioned paragraph 5 as to why they were operating under a special warranty deed instead of a general warranty deed, and asked for clarification. He also questioned Association paragraph 7B 12.7% annual maintenance assessments, and wanted to make sure that was for maintenance assessments only and he wanted the words, "common area only", inserted. He said he did not understand why they had to pay a \$500, up front initiation fee. Additionally, he noted paragraph 8, the second sentence, went along with the special warranty deed and raised red flags. He pointed out that on page 4, the last sentence, top paragraph, didn't designate what "timely" meant. On Paragraph 9, Closing Procedures and Documents, sub paragraph (a)(i)(bb), he asked who determined whether assessments would be assessed and what limitations would be placed. Paragraph CC., the last sentence under sub designation B, he said they were not a part of the Neighborhood Association, but were part of the Town Center which was a commercial association, and asked why they would have to comply with the neighborhood association? He continued, that on page 5, paragraph 13, under Master Plan, there was a control issue. He said the County had lost all control because they had given up too much. He questioned Paragraph 6, Infrastructure, the last line, regarding who they should seek adjustment from regarding permits and who would decide whether it was acceptable? Under sub paragraph E, Traffic Signal, he said he would not agree to pay any portion of any traffic signal nor would he agree to pay for trees and landscaping costs. He read that under paragraph 14 All, plans and specifications must be approved by the seller, but nothing allowed the county to back out of the contract. He said that once they had signed the contract they had lost control. He continued that on page 7, subparagraph IV, with control kept by the seller, the County's hands would be tied. He asked why the comment regarding banners had been included. Under paragraph II he asked how much space would be reserved for the County for signage. He continued on Page 8 sub paragraph E, regarding damage during construction, that the County should be excluded if they could prove they did not contribute to any construction damage because if had no party involved. Also under sub paragraph II regarding street trees; he stated that those should be part of the developers cost. On page 9, he said he liked the date of September 1, 2006. In paragraph C under the date mentioned he said there was no time limit mentioned in the contract regarding default. On sub paragraph D, right of first refusal; they needed to change 40-year limitation to 5 years. On page 10, he said he needed to know the impact of the requirements to secure parking for employees and patrons. He wanted to know how they would enforce such a requirement. On page 12, subparagraph N, he stated that the phrase "coastal construction control line" was unnecessary in the contract and must have been a carry over from something else.

(2:22 p.m.) Little responded she would like to make it clear that from McGarvey's point of view, they were looking at a \$500,000 contribution. She said he had asked for \$100,000 in in-kind contributions. She said she would seek advice from their attorney

on the issues he had raised on the legal aspects of the contract. She said that it was exceptionally important to McGarvey that the parcel be used as a cultural facility and/or library and he had made that clear. She addressed the parking question and why the mediation had occurred the way it had. She said she would look forward to hearing for Hunt.

(2:24 p.m.) Stevenson said she hoped the vision of the gift would be kept in the forefront and that she was also concerned about the trust issue and with the contract being a little one-sided. She revealed ex parte communication and said that she had spoken with McGarvey, at some length. She said she was concerned about what uses would be considered under cultural facilities for now and in the future. She said she saw Maguire's concerns as an effort to reach a balance. She also expressed concern about the adequacy of parking and about how difficult it would be to comply with construction requirements, costs and time requirements.

(2:27 p.m.) Rich said it looked like a boilerplate contract and questioned it. He said it appeared it had been designed to give an advantage to McGarvey over the County.

(2:28 p.m.) Hunt stated that first draft done by McGarvey's attorney and it was common for there to be a bend towards the originating party's favor. He explained that was a part of what negotiation was about. Hunt said his consideration was to bring forth a contract that was legal. He said the Board had a role in the negotiating process and so far there had not been a great number of rules set forth by the board to negotiate the contract. He asked for constructive advice to make the contract better and to reflect the goals and objectives of the Board. He said specific issues could be addressed if they were of concern to the Board. He said the timeframe was implicit but that a time frame could be determined. He said the typo regarding the Neighborhood Association, which should be Town Center Association, could be easily corrected. He addressed other issues that the Board had raised and said those issues could be addressed and negotiated, and explained some of the budgetary decisions they had made.

(2:39 p.m.) Stern said the items were issues they could deal with by re-wording or negotiating. She said the use issue was not a problem for her, as she saw it remaining a library into the future. She said a library was more than a place for storing books and she saw it as something that would be in place 60 or more years into the future.

(2:41 p.m.) Little explained the 12.7% association fee and gave handouts to the Board, explained that the amount included landscaping, garbage pick up, water etc. She said she had done a cost analysis of that in relationship to the Bartram Trail location and that the figures were very close and were in line.

(2:42 p.m.) Stevenson expressed concern regarding the specific reference to the property use being limited to a library, museum or other type of cultural facility.

(2:44 p.m.) Hunt responded that they could add other specific property uses to the contract or they could remove the language entirely. He said the key was that all parties understood what the responsibilities and authority were and were in agreement. Stevenson said she would be more comfortable if the clause was reworded to read, "it would not be unreasonably withheld."

(2:46 p.m.) Rich referenced the section just discussed, if the use was designated as a library, and any changes to use would be in agreement by both parties, that would be sufficient. Hunt responded that the words "not unreasonably withheld" needed to be included because if either party were to disagree the other party would hold the cards. We want to make sure that if the other party doesn't agree they are making the decision based on reasoning rather than spite.

Maguire asked if there was a time critical element for approving the contract at that meeting. Little said she would appreciate guidance from the Board, and it was time sensitive in terms of the developer and for the bond funding.

(2:48 p.m.) Jay McGarvey, 81 Ponte Vedra Blvd., Ponte Vedra Beach, said it was the hardest ½ million dollars he had ever given away. Rich asked if there was a way they could go through the issues at that meeting to get them ironed out. McGarvey said that if they had the time he would be glad to discuss them. He requested a copy of the contract. Stern suggested McGarvey go with Hunt while the Board moved ahead. McGarvey and Hunt agreed to meet.

Maguire said the item would be continued while McGarvey and Hunt met in the conference room to work out the issues. He said that when they returned they would resume discussion on the item at the first available time.

(2:49 p.m.) MacCormack entered the meeting and Hunt left the meeting.

Maguire reviewed that Items 7 and 8 had been reversed so they would now go to Item No. 8.

(4:15 p.m.) Subsequently, Hunt explained that he, Mr. McGarvey, Mary Jane Little, MaryAnn Blount, and Tony Cubbedge had met to discuss and renegotiate those issues with the purchase and sale agreement that were raised earlier, as follows: 1) the purchase price would remain at \$117,640; 2) on page 2, section 4, Permitted Use – instead of the words “reserve sole authority” the language “determination made by both parties” or “if the parties could not agree on a usage, let the town center association make a determination on use” would be used; 3) correct the typo from “seller” to “buyer;” 4) a special warranty deed would be used; 5) the 12.7% association dues that represented the total floor space would not be limited to maintenance or common area charges; 6) the neighborhood association fees would remain as they included the maintenance fees for drainage; 7) on page 3, the seller’s representations, the “as is” would remain as presently stated; 8) there was no change to traffic signals or street trees; 9) infrastructure completion would change from “90% completion” to “100% completion prior to closing,” and that if 100% of the infrastructure was not completed prior to closing the town center association dues would be waived until completed; 10) with respect to architecture/contractor approval, it would be technically impossible due to the projected closing date; 11) there was no commitment on signage type or space as the signage plan had not yet been determined; 12) on page 8, section 14c, the construction damage language would remain the same, but the County could add additional language to protect its interest; and 13) a date could be added for construction completion, possibly January 31, 2007. Hunt also stated that the contract would need to be brought back at the next meeting for final approval. Hunt reported that Mr. McGarvey would accept 35 years instead of 40 years and that the coastal construction line language would be deleted. (4:27p.m.) Dan Bosanko, County Attorney, entered the meeting.

(4:27 p.m.) Maguire stated that he could accept all of the recommended changes except the price and the 35 years. He also questioned if the town center association could legally make determinations on the use of County funds. Rich commented that he did not understand Maguire’s issue with the 35-year commitment to a library, as the Board routinely made long-term capital investments on property it did not own. Discussion followed on other long-term commitments made by the County.

(4:36 p.m.) Stern stated that the construction of the library would be paid for with bond financing and the debt service payback would be 30 years, so there would automatically be a 30 year commitment to the site and discussion ensued on the legality and the extent of the town center association's input into the County's use of the site. Bosanko discussed how the suggested loss of parking rights came about and suggested giving the developer a reasonable right to veto any change in use.

(4:47 p.m.) Rich asked for a consensus to table this item so the contract amendments that were discussed could be worked into the contract and brought back for approval.

(4:49 p.m.) Bryant stated that there was overwhelming community support for this library site, as well as overwhelming support from the Library Advisory Board; and addressed other improvements the County was making to sites not owned by the County. Stern concurred with Bryant's statements. Maguire stated that he would acquiesce on several of the issues, but thought the designation of use still needed to be worked out.

(4:51 p.m.) Maguire asked for a consensus that the County Attorney's office prepare the contract to be placed on the next consent agenda; the Board concurred.

(4:52 p.m.) Patricia Laurencelle, 23 Versaggi Dr., spoke in support of the proposed location of the library site.

The Board then addressed Item No. 12

(04/20/05 - 24 - 4:55 p.m.)

12. CONSIDER A MOTION TO ADOPT A RESOLUTION AWARDED \$200,000 AS A SHIP LOAN TO HALO PROPERTIES FOR MAXWELL MANOR II

Tom Crawford, Director of Housing and Community Services, stated that he had no additional information to submit.

Motion by Stern, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-117, awarding \$200,000, as a SHIP loan, to HALO Properties.

RESOLUTION NO. 2005-117

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING USE OF \$200,000 OF THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM FUNDS AS A LOAN FOR A 36 UNIT MULTIFAMILY DEVELOPMENT, MAXWELL MANOR II, SERVING LOW AND VERY-LOW INCOME HOUSEHOLDS

(04/20/05 - 25 - 4:56 p.m.)

13. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING AND ADOPTING THE ST. JOHNS COUNTY LOCAL MITIGATION STRATEGY PLAN

Ray Ashton, Director of Emergency Management, stated that he did not have any additional information to add.

Motion by Stern, seconded by Rich, to adopt Resolution No. 2005-118, approving and adopting the St. Johns County Local Mitigation Strategy Plan. MacCormack noted for the record that the included priority list did not tie the Board's hands when it came to funding projects or switching priorities. (4:58 p.m.) **The motion carried 5/0.**

RESOLUTION NO. 2005-118

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND ADOPTING THE ST. JOHNS COUNTY LOCAL MITIGATION STRATEGY PLAN

Motion by Stern, seconded by Rich, carried 5/0, to approve Resolution No. 2005-119, accepting the St. Johns County Local Hazard Mitigation Plan Document.

RESOLUTION NO. 2005-119

A RESOLUTION OF THE ST. JOHNS COUNTY COMMISSION, ACCEPTING THE ST. JOHNS COUNTY LOCAL HAZARD MITIGATION PLAN DOCUMENT

(04/20/05 - 25- 4:59 p.m.)

15. CONSIDER A MOTION TO ADOPT A RESOLUTION AMENDING THE CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS COUNTY HEALTH DEPARTMENT, ON THE SAME TERMS, PROVISIONS, CONDITIONS, REPORTING, AND REQUIREMENTS AS ARE CURRENTLY IN PLACE, INCLUDING THE PRORATED BALANCE OF THE CURRENT CONTRACT FOR SERVICES IN HASTINGS, NOT TO EXCEED SIXTY-FIVE THOUSAND SEVEN HUNDRED TWENTY-FIVE DOLLARS AND SEVENTY ONE CENTS (\$65,725.71)

Gloria Benischeck, St. Johns County Community Services, handed out a new cover page for this item. Maguire clarified that the two issues being addressed were: first, to extend Dr. Marathe's contract; and second, to transfer the contract for the operation of the Hastings Clinic to the Health Department.

(5:01 p.m.) **Motion by Bryant, seconded by Rich, to adopt Resolution No. 2005-120, extending the agreement for 61 days from April 1, 2005 until midnight May 31, 2005, between St. Johns County, Florida, and Medical Specialist on the same terms, provisions, conditions, reporting and requirements as are currently in place, with the exception of compensation, which for the purposes of this extension would be an amount not to exceed \$25,000.**

(5:02 p.m.) Rev. Helen Tobey, 520 Florida Club Blvd., supported the transfer of the contract to the Health Department. (5:08 p.m.) **The motion carried 5/0.**

RESOLUTION NO. 2005-120

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND MEDICAL SPECIALISTS OF HASTINGS ON THE SAME TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS WITH THE EXCEPTION OF COMPENSATION, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS, DOCUMENTS, EXTENSIONS OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE

(5:08 p.m.) Motion by Bryant, seconded by Stern, carried 5/0, to adopt Resolution No. 2005-121, amending the contract between St. Johns County, Florida, and the St. Johns County Public Health Department, from June 1, 2005 until midnight September 30, 2005, on the same terms, provisions, conditions, reporting and requirements as are currently in place, including the prorated balance of the current contract for services in Hastings, not to exceed \$50,000.

RESOLUTION NO. 2005-121

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND STATE OF FLORIDA DEPARTMENT OF HEALTH/ST. JOHNS COUNTY HEALTH DEPARTMENT, AUTHORIZING THE CHAIR OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

16. CONSIDER A MOTION TO APPROVE THE TRANSFER OF \$200,000 FROM TRANSPORTATION RESERVE CAPITAL OUTLAY (1131-59927) TO TRANSPORTATION CAPITAL PROJECTS (1114-56301) FOR SIGNALIZATION OF LEO MAGUIRE PARKWAY AND CR 210

This item was moved to Item #1b and was considered earlier in the meeting.

(04/20/05 - 26 - 5:10 p.m.)

17. APPROVAL OF THE BCC REGULAR MEETING MINUTES OF MARCH 23, 2005 AND APRIL 6, 2005 (*Formerly Consent Item No. 2*)

Stevenson explained that the reason she pulled the April 6, 2005 minutes was due to a typo on page 17, at 6:03 p.m.: "900,000 residential units" should have read "900 to 1,000 residential units."

Motion by Stevenson, seconded by Bryant, carried 5/0, to accept all the minutes with the change to the April 6, 2005 minutes.

(04/20/05 - 27- 5:12 p.m.)

18. CONSIDER AUTHORIZING A RESOLUTION FOR THE PROPOSED USE OF COUNTY PROPERTY, ASSOCIATED WITH THE VILANO BOAT RAMP EXPANSION, AS MITIGATION

Tony Cubbedge, Land Management Coordinator, explained the details of this item.

Motion by Bryant, seconded by Stern, carried 5/0, to approve Resolution No. 2005-122, a resolution by the Board of County Commissioners of St. Johns County, Florida, approving the use of County property for wetland mitigation associated with the expansion of the Vilano boat ramp, and authorizing the County Administrator to take all action necessary in order to finalize the permitting requirements, including the recording of any needed conservation easements.

RESOLUTION NO. 2005-122

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE USE OF COUNTY PROPERTY FOR WETLAND MITIGATION ASSOCIATED WITH THE EXPANSION OF THE VILANO BOAT RAMP, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO TAKE ALL ACTION NECESSARY, IN ORDER TO FINALIZE THE PERMITTING REQUIREMENTS, INCLUDING THE RECORDING OF ANY NEEDED CONSERVATION EASEMENTS

(04/20/05 - 27- 5:15 p.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

Rich stated his appreciation to Staff for supplying him with information on administrative land use changes.

(5:15 p.m.)

Commissioner Bryant:

No report.

(5:15 p.m.)

Commissioner Maguire:

Maguire asked for a consensus from the Board on filling a new position in Records Management. The new FTE was budgeted for October 1, 2005; however, Mr. Adams recommended that the position be filled as soon as possible to help meet certain statutory requirements. He proposed authorizing \$19,000 from the Reserve Fund for the purpose of adding the position of Records Management Analyst.

(5:17 p.m.) Motion by Maguire, seconded by Bryant, carried 5/0, to authorize \$19,000 from the Reserve Fund to add a position for the balance of this year, specifically for records analysis; to be titled Records Management Analyst.

(5:17 p.m.) Maguire addressed e-mails that had been received from Mr. E. A. Slavin, requesting a fee waiver for copies requested under the Freedom of Information Act. *There was a consensus by the Board not to waive the fees.*

(5:18 p.m.) Maguire offered kudos to Prosperity Bank for moving from #48 to #42 on the list of bank holdings in Florida.

(5:19 p.m.) Maguire stated that he had received a request for an update on the Countywide Parks Ordinance. Bosanko stated that he would have a report at the next Board meeting.

(5:19p.m.)

Commissioner Stern:

Stern reported on various upcoming volunteer appreciation functions; specifically on Monday afternoon there would be a SJC volunteer recognition program at 2:00 p.m. in the auditorium.

Stern reported that the episode of Extreme Makeover-Home Edition that was shot in Hastings would air on Sunday, April 24th at 8:00 p.m. on ABC, with a follow-up program the following evening at 8:00 p.m.

(5:22 p.m.)

Commissioner Stevenson:

Stevenson reported that she was holding her first District 1 town hall meeting on April 26th, from 6:30 p.m. to 8:30 p.m., to discuss upcoming improvements in her district.

Stevenson addressed an article printed in the *Times-Union* regarding JEA's proposed water and sewer rate increases. She also commented that the residents of the northwest area of the county voted yesterday on the 32259 zip code name designation.

(04/20/05 - 28 - 5:24 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Ted Zebrowsky, Assistant County Administrator, reported that Mr. Adams and Mr. Clem were attending a growth management seminar at a community college in Jacksonville today. He also reported the Mr. Adams was planning a Cooperative Summit on Veteran's Affairs issues sometime in June for the northeast Florida area.

Zebrowsky reported that Mr. Adams had officially accepted the fairgrounds from a group in Hastings yesterday, and had given the responsibility of running them to Jim Dilbeck.

(5:26 p.m.) Stevenson requested an update on the issues at Summer Haven.

(04/20/05 - 28 - 5:26 p.m.)

CLERK OF COURT'S REPORT

No report.

(04/20/05 - 28 - 5:26 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko reported that he and Tom Crawford appeared before the Florida Memorial College Foundation Board earlier today, as the County had a need for some of their property for certain drainage improvements and a recreation center. He stated that they were well received and would be commencing negotiations for purchasing the property forthwith.

Bosanko reported that on May 23rd at 2:00 p.m. there would be mediation in the Mark Fuller matter and he questioned if the Board wanted to send a commissioner to the mediation. Maguire said that it would be left up to each commissioner to decide if he or she wanted to attend.

(5:28 p.m.) Maguire commented that the Surfrider issue would be heard on April 27th at 1:30 p.m. in Judge Traynor's office. He also commented on a girls flag football game to be held that afternoon at St. Joe Academy.

(5:29 p.m.) Bosanko announced, re the Fuller matter, that the transcript of the last closed meeting was on file for the public as of this time.

(5:29 p.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 5:29 p.m.

REPORTS:

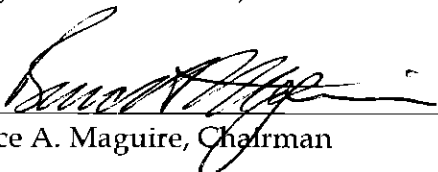
1. St. Johns County Board of County Commissioners' Check Register, Check Nos. 365804 through 365829, totaling \$36,273.99 (04/01/05)
2. St. Johns County Board of County Commissioners' Check Register, Check Nos. 365830 through 365835, totaling \$141,258.82 (04/01/05)
3. St. Johns County Board of County Commissioners' Check Register, Check No. 365836, totaling \$300.00 (04/04/05)
4. St. Johns County Board of County Commissioners' Check Register, Check Nos. 365837 through 366313, totaling \$ 3,750,648.39 (04/06/05)
5. St. Johns County Board of County Commissioners' Check Register, Check No. 366314, totaling \$9,103.45 (04/11/05)
6. St. Johns County Board of County Commissioners' Check Register, Check No. 366315, totaling \$18,375.00 (04/13/05)
7. St. Johns County Board of County Commissioners' Check Register, Check Nos. 366316 through 366341, totaling \$ 37,498.64 (04/14/05)

CORRESPONDENCE:

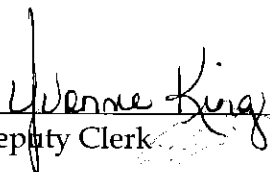
1. Letter to the Department of State, dated April 8, 2005, filing Ordinance Nos. 2005-35 through 2005-37.

Approved May 18, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk