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**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JULY 12, 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 Chairman  
                          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:        Cheryl Strickland, Clerk of Courts

(07/12/05 - 1 - 9:02 a.m.)  
CALL TO ORDER

Maguire called the meeting to order; then, announced that 184 years ago this week, the U.S. Flag was raised in the State of Florida on the 10<sup>th</sup> of July; that was when Florida became a state.

(07/12/05 - 1 - 9:03 a.m.)  
ROLL CALL

Maguire announced that all five commissioners were present.

(07/12/05 - 1 - 9:03 a.m.)  
Stern gave the invocation and Rich led the Pledge of Allegiance.

(07/12/05 - 1 - 9:04 a.m.)  
PUBLIC COMMENT

There was no public comment.

(07/12/05 - 1 - 9:04 a.m.)  
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(07/12/05 - 1 - 9:05 a.m.)  
APPROVAL OF CONSENT AGENDA

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

1.     Approval of the Cash Requirement Report

2. Minutes:
  - 06/01/05 - BCC Regular Meeting
  - 06/14/05 - BCC Regular Meeting
  - 06/20/05 - BCC Special Meeting
  - 06/27/05 - BCC Special Meeting
3. Motion to adopt **Resolution No. 2005-179**, accepting future maintenance for transportation improvements on Ring Way in the World Commerce Center and in accordance with paragraph 2, Use of Public Funds, Exhibit C of the Agreement Regarding Road Construction (World Commerce Center Access Road); and motion to pay \$441,361.76 from the Transportation Trust Fund (1111-1114-55305)

**RESOLUTION NO. 2005-179**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING FUTURE MAINTENANCE AND/OR IMPROVEMENTS ON INFRASTRUCTURE THAT WAS CONSTRUCTED THROUGH THE USE OF A STATE OF FLORIDA ECONOMIC DEVELOPMENT TRANSPORTATION FUND GRANT, AND ACKNOWLEDGING THE INFRASTRUCTURE TRANSPORTATION IS FOR USE BY THE GENERAL PUBLIC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

4. Motion to approve the transfer of \$239,500 from Utility Reserves [4426-59920] and appropriate \$140,000 to Transmission & Distribution Operating Supplies [4413-55200], \$3,300 to County Lab Contractual Services [4414-53120], \$1,300 to County Lab Building Maintenance [4414-54600], \$900 to County Lab Equipment Maintenance, \$9,000 to County Lab Operating Supplies, \$25,000 to Sewage & Treatment Contractual Services [4415-53120], \$25,000 to Sewage & Treatment Other Maintenance [4415-54603], and \$35,000 to Lift Stations Other Maintenance [4416-54603]
5. Motion to adopt **Resolution No. 2005-180**, recognizing unanticipated revenue [Fund 1400-33460] in the amount of \$16,987 from the State of Florida Department of Children and Families, and appropriating it to the Community Based Care Department for Adoption Subsidy [1401-55515] per an amendment to the St. Johns County Board of County Commissioners Contract DJ993 with the State of Florida Department of Children and Families

**RESOLUTION NO. 2005-180**

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

6. Motion to approve entering into an Interlocal Agreement between the City of St. Augustine and St. Johns County to provide Mutual/Automatic Aid

**RESOLUTION NO. 2005-181**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF ST. AUGUSTINE FOR AUTOMATIC AID FOR THE RESPONSE OF EMERGENCY APPARATUS IN THE EVENT OF A STRUCTURAL FIRE OR OTHER EMERGENCY SITUATION THAT ENDANGERS LIFE OR PROPERTY IN A DESIGNATED RESPONSE AREA AND MUTUAL AID WHEN ASSISTANCE IS REQUESTED DURING OTHER LARGE SCALE EMERGENCIES**

7. Motion to adopt **Resolution No. 2005-182**, approving terms and authorizing execution of the purchase and sale agreement for the acquisition of 6.11 acres at 953 A1A Beach Boulevard, with funds from the Pooled Commercial Paper Loan Program, for a park

**RESOLUTION NO. 2005-182**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF APPROXIMATELY 6.1 ACRES OF PROPERTY AT 953 A1A BEACH BOULEVARD FOR A PARK; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR ITS ACQUISITION**

8. Motion to adopt **Resolution No. 2005-183**, approving the terms of the Full and Complete Release and Settlement Agreement authorizing compensation to a property owner for relocation of their driveway for the intersection improvements that were associated with the Holmes Boulevard Extension Project

**RESOLUTION NO. 2005-183**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS OF THE FULL AND COMPLETE RELEASE AND SETTLEMENT AGREEMENT AUTHORIZING COMPENSATION TO A PROPERTY OWNER FOR RELOCATION OF THEIR DRIVEWAY FOR THE INTERSECTION IMPROVEMENTS THAT WERE ASSOCIATED WITH THE HOLMES BOULEVARD EXTENSION PROJECT**

9. Motion to adopt **Resolution No. 2005-184**, approving the terms of a Purchase and Sale Agreement for the acquisition of property for additional right-of-way along County Road 214, authorizing the County Administrator to execute the Purchase and Sale Agreement and take all action necessary in order to close and complete the purchase in accordance with Section 125.355, Florida Statutes, with funding from Transportation Trust Fund Reserves

RESOLUTION NO. 2005-184

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR ADDITIONAL RIGHT-OF-WAY ALONG COUNTY ROAD 214, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE PURCHASE IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES, WITH FUNDING FROM THE TRANSPORTATION TRUST FUND RESERVES

10. Motion to adopt **Resolution No. 2005-185**, accepting a Grant of Easement from St. Augustine Shores Service Corporation to St. Johns County for drainage improvements off Vail Point Road

RESOLUTION NO. 2005-185

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM ST. AUGUSTINE SHORES SERVICE CORPORATION TO ST. JOHNS COUNTY FOR DRAINAGE IMPROVEMENTS OFF VAIL POINT ROAD

11. Motion to adopt **Resolution No. 2005-186**, authorizing the execution of an Option Agreement for Sale and Purchase to purchase approximately 33.7 acres of property located on the Intracoastal Waterway, known as Canopy Shores, from the Trust For Public Land, a California non-profit corporation; and authorizing the expenditures of funds for this acquisition

RESOLUTION NO. 2005-186

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE EXECUTION OF AN OPTION AGREEMENT FOR SALE AND PURCHASE TO PURCHASE APPROXIMATELY 33.7 ACRES OF PROPERTY LOCATED ON THE INTRACOASTAL WATERWAY KNOWN AS CANOPY SHORES FROM THE TRUST FOR PUBLIC LAND, A CALIFORNIA NON-PROFIT CORPORATION; AND AUTHORIZING THE EXPENDITURES OF FUNDS FOR THIS ACQUISITION

12. Motion to adopt **Resolution No. 2005-187**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Subdivision, Unit EV-1, and accepting a bill of sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2005-187

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARSHALL CREEK SUBDIVISION, UNIT EV-1, AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

13. Motion to adopt **Resolution No. 2005-188**, approving a final plat for St. Johns Forest, Unit Two

RESOLUTION NO. 2005-188

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

14. Motion to authorize the County Administrator, or his designee, to enter into contract with Wilford Roofing for work in an amount not to exceed \$65,795.00 for the project titled Construction of Trout Creek Community Center Roof Project, under Bid 05-104
15. Motion to authorize the County Administrator, or his designee, to enter into contract with A.W.A. Contracting Co., Inc., for work in a firm price amount of \$120,000.00, for the project titled Construction of Vaill Point Road Drainage Improvements under Bid 05-94R
16. Motion to adopt **Resolution No. 2005-189**, authorizing the St. Johns County Attorney's Office to initiate Foreclosure procedures on 586 Pearl Street for the unpaid lien, which was placed on the property for the cost of demolition of the unsafe structures that existed there and were removed by the County, and when the Property is sold the funds collected, that are equal to the amount of the demolition lien plus costs and interest, be placed back in the Demolition Revolving Account #1350-1351-53120

RESOLUTION NO. 2005-189

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, FINDING THAT FORECLOSURE OF LIEN ON PROPERTY LOCATED AT 586 PEARL STREET, ST. AUGUSTINE, FLORIDA, PARCEL NO. 113260-0000, IS APPROPRIATE AND NECESSARY TO RECOVER THE COUNTY'S COSTS OF DEMOLITION OF AN UNSAFE STRUCTURE THEREON, PURSUANT TO LIEN RECORDED AT O.R. 1988, PG 1456, AND AT O.R. 2445, PAGE 745-746, IN ACCORDANCE WITH ST. JOHNS COUNTY ORDINANCE 2000-48 AND FLORIDA STATUTES

17. Motion to adopt **Resolution No. 2005-190**, authorizing the St. Johns County Attorney's Office to initiate foreclosure procedures on 905 St. Johns Avenue

South for the unpaid lien, which was placed on the property for the cost of demolition of the unsafe structures that existed there and were removed by the County and when the Property is sold the funds collected, that are equal to the amount of the demolition lien plus costs and interest, be placed back in the Demolition Revolving Account #1350-1351-53120

**RESOLUTION NO. 2005-190**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, FINDING THAT FORECLOSURE OF LIEN ON PROPERTY LOCATED AT 905 ST. JOHNS STREET SOUTH, ST. AUGUSTINE, FLORIDA, PARCEL NO. 133345-0000, IS APPROPRIATE AND NECESSARY TO RECOVER THE COUNTY'S COSTS OF DEMOLITION OF AN UNSAFE STRUCTURE THEREON, PURSUANT TO LIEN RECORDED AT O.R. 1988, PG 1455, AND AT O.R. 2445, PAGE 797-798, IN ACCORDANCE WITH ST. JOHNS COUNTY ORDINANCE 2000-48 AND FLORIDA STATUTES**

18. Motion to approve the transfer of \$15,000 from Police Impact Fee Reserves (1169-59927) to Sheriff's Projects Consulting Services (1169-53150) for consulting services for the Sheriff's Office renovations

(07/12/05 - 6 - 9:05 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire requested to add Item #14, an Interlocal Agreement with the City of St. Augustine Beach.

(07/12/05 - 6 - 9:09 a.m.)

APPROVAL OF REGULAR AGENDA

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

(07/12/05 - 6 - 9:09 a.m.)

1. PRESENTATION OF THE RECAPITULATION FOR THE 2004 BALANCED TAX ROLL AND ERROR AND INSOLVENCIES REPORT

Tommy Edwards, Director of Accounting for the St. Johns County Tax Collector's Office, reported that for the 2004 tax roll, they collected 99.96% of taxes; overall, \$256,577,000. Edwards aired that this year the Tax Collector's Office conducted the tax certificate sale online; only 88 out of approximately 3,000 parcels did not sell. Edwards explained the process of conducting the tax certificate sale online. (9:13 a.m.) Dennis Hollingsworth, St. Johns County Tax Collector, further explained the tax certificate sale conducted online.

(07/12/05 - 7 - 9:15 a.m.)

2. FACILITATED DISCUSSION ON (1) CAMPAIGN FINANCE REFORM, (2) TERM LIMITS FOR COUNTY COMMISSIONERS, (3) INCREASING THE NUMBER OF COUNTY COMMISSIONERS FROM FIVE TO SEVEN

Penny Halyburton, St. Johns County Supervisor of Elections, addressed campaign finance reform; said local governments could not enact any campaign financing regulations; added that the Florida Legislature had extensively regulated the issue of campaign contributions. Halyburton said the regulations pertaining to term limits were set out in the Florida State Constitution, and local governments could not enforce term limits on constitutional officers, including the Board of County Commissioners. Halyburton reviewed Florida Statute 124.11, which describes the procedure for changing the composition of the Board from five to seven; a referendum would be required. Discussion followed regarding the St. Johns County Commission changing from five to seven and back to five; this issue being placed on the ballot; term limits; and the cost of placing an issue on the ballot. (10:05 a.m.) Subsequently, Bosanko addressed a previous question of the Board regarding the number of affirmative commission votes it would take to place an issue on the ballot; he informed them that a majority of the Board of County Commissioners could get an item placed on the ballot.

(07/12/05 - 7 - 9:39 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE OFFICE OF THE STATE ATTORNEY SEVENTH JUDICIAL CIRCUIT OF FLORIDA AUTHORIZING ST. JOHNS COUNTY TO BUDGET THE FUNDS FOR THE LEASE PAYMENTS AND IMPROVEMENTS FOR A HOMICIDE INVESTIGATION UNIT LOCATION

Mary Ann Blount, Land Management Director, relayed a request from the State Attorney's Office that office space be provided for the newly formed Homicide Investigation Team; the Legislature, this year, provided funding and personnel for this unit, but they did not include money for office space. Blount then explained that the proposed resolution approved the terms of an interlocal agreement between St. Johns County and the Office of the State Attorney authorizing the County to budget funds for the negotiated lease and build-out improvements that were requested for a Homicide Investigation Unit located in St. Johns County. (9:40 a.m.) John Tanner, State Attorney, was present. (9:41 a.m.) **Motion by Rich, seconded by Stern, carried 5/0, to adopt Resolution No. 2005-191, approving an Interlocal Agreement between St. Johns County, Florida, and the Office of the State of Attorney Seventh Judicial Circuit of Florida authorizing St. Johns County to budget the funds for the lease payments and improvements for a Homicide Investigation Unit location.**

#### RESOLUTION NO. 2005-191

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE OFFICE OF THE STATE ATTORNEY SEVENTH JUDICIAL CIRCUIT OF FLORIDA AUTHORIZING ST. JOHNS COUNTY TO BUDGET THE FUNDS FOR THE LEASE PAYMENTS AND IMPROVEMENTS OF A HOMICIDE INVESTIGATION UNIT LOCATION



(9:42 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to transfer \$31,746.00 from the General Fund Reserves into the State Attorney's budget.**

(07/12/05 - 8 - 9:42 a.m.)

4. CHAMBER OF COMMERCE QUARTERLY ECONOMIC DEVELOPMENT UPDATE

Kari Hall Keating, Chamber of Commerce, introduced Jim Browning, Chairman of the Economic Development Council, who gave a PowerPoint presentation, which included: the Chamber/EDC Luncheon, 2005 Familiarization Tour, Staff Development, Business Recruitment, Membership, Marketing, 2005 Existing Business Survey, Total Company Sales, Legislation on the Federal, State, and Local Level, Space/Jobs Added/Lost, Expansion Forecast, Estimated Growth, Expansion of Workforce, Expansion Location. He stated three areas of concern were workforce and development, cost of impact fees and delay in building permit, and the cost of housing and cost of living; and he gave the 4<sup>th</sup> Quarter Preview. Discussion followed on the average wage information and the results of the business survey.

(07/12/05 - 8 - 10:05 a.m.)

5. CONSIDERATION OF THE ORGANIZATION STRUCTURE IN THE BOARD OF COUNTY COMMISSION OFFICE

Bob Peters, Human Resources Department Employee Relations Manager, reviewed the proposal of having five commissioners' aides as part-time positions and the two current full-time positions would be reduced to one. Discussion followed regarding having an Office Specialist III position added to the current staff to assist the chairman in his/her duties; hiring five part-time commissioners' aides; and the duties of the chairman. (10:38 a.m.) *Motion by Rich that the County Administrator get with the Personnel Director and create a position for an additional Office Specialist III with the primary duties to assist the chairman, as directed by the Office Manager. The motion died for lack of a second. (10:40 a.m.) It was the consensus of the Board to direct the County Administrator to put together a program with five staff, part-time, starting the next fiscal year October 1, 2005.*

The meeting recessed at 10:43 a.m. and reconvened at 10:58 a.m.

(07/12/05 - 8 - 10:59 a.m.)

6. PRESENTATION OF FISCAL YEAR 2006 RECOMMENDED BUDGET

Ben Adams, County Administrator, announced the dates for the current budget cycle: on July 20, 2005, there would be a BCC Budget Workshop; on July 26, 2005, the tentative millage rates would be set; on September 6, 2005, the first public hearing would be held for the proposed FY 2006 Budget; and on September 20, 2005, the final budget hearing would be held to adopt the FY 2006 Millage Rates and Budget. Adams said the budget had been reduced by \$7 million, which was necessary in order to submit a balanced budget with adequate reserves. Adams reviewed the number of new positions requested and those that were recommended. (11:02 a.m.) Doug Timms, Office of Management and Budget, explained that reserves had been increased by approximately \$1 million and that the General Fund expenditures had been reduced by \$3 million; the overall reduction was \$7 million from the requested budget. Timms further addressed the budget. (11:10 a.m.) Adams further commented on the millage rates.

(07/12/05 - 8 - 11:15 a.m.)

7. CONSIDER MOTION TO ADOPT A RESOLUTION SETTING A PUBLIC HEARING FOR THE PURPOSE OF ADDING THREE ADDITIONAL NON-AD

VALOREM ASSESSMENTS TO THE ROLL FOR THE PONTE VEDRA  
VACUUM SEWER PROJECT

John Schwab, Special Projects Manager, relayed the request to set a public hearing for August 9, 2005 at 1:30 p.m., to allow the inclusion of three additional non ad-valorem assessments to the Ponte Vedra Vacuum Sewer Project. (11:16 a.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2005-192, setting a public hearing for the purpose of adding three additional non ad-valorem assessments to the roll for the Ponte Vedra Sewer Vacuum Project.**

RESOLUTION NO. 2005-192

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION OF WASTEWATER COLLECTION FACILITIES WITHIN THE PROPOSED PONTE VEDRA WASTEWATER (PHASE II) ASSESSMENT AREA; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE WASTEWATER COLLECTIONS FACILITIES; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTIONS; DIRECTING THE PROVISION OF NOTICE; AND PROVIDING AN EFFECTIVE DATE

(07/12/05 - 9 - 11:16 a.m.)

8. PUBLIC HEARING - ARC APPEAL 2005-01, WALGREEN'S AT OCEAN TRACE. THIS REQUEST SEEKS AN ARC APPEAL TO PROJECT MADRB-2004-15, DESIGN REVIEW OF A NEW 14,560 SQUARE FOOT COMMERCIAL BUILDING WITH ASSOCIATED LANDSCAPING, LOCATED AT 3975 A1A SOUTH. THE PROJECT WAS APPROVED WITH CONDITIONS BY THE MID-ANASTASIA DESIGN REVIEW BOARD ON MARCH 10, 2005. AN APPEAL TO THE DESIGN REVIEW BOARD'S DECISION HAS BEEN FILED BY THE NEIGHBORING OCEAN TRACE HOMEOWNER'S ASSOCIATION AND INCLUDES SEVERAL ALLEGED ERRORS AS GROUNDS FOR THE APPEAL. IN ACCORDANCE WITH SECTION 9.07.06 OF THE LAND DEVELOPMENT CODE, THE BOARD OF COUNTY COMMISSIONER'S HEARING ON THIS APPEAL SHALL BE A DE NOVO HEARING ON THE MERITS AND SHALL BE CONDUCTED AS A QUASI-JUDICIAL HEARING

Proof of publication for the notice of public hearing regarding ARC Appeal 2005-01, Walgreen's at Ocean Trace, was received, having been published in the *St. Augustine Record* on June 27, 2005.

Cathy Upchurch, Court Reporter, was present.

Maguire disclosed ex-parte communication; he met with the property owner and George McClure on this issue, and discussed their concerns. Rich disclosed ex-parte communication; he met with the property owner and George McClure on this issue, and discussed their concerns. Bryant disclosed ex-parte communication; he met with the property owner and George McClure, and they discussed the issue of the easement. Stern disclosed ex-parte communication; she met with George McClure and Denise Moxon, the property owner, and they discussed the ingress, egress, and the easement. Stevenson disclosed ex-parte communication; she met with George McClure and Denise Moxon, the property owner, and they discussed the ingress, egress, and the easement.

(11:17 a.m.) Shane Largent, Planner II, explained the appeal. (11:19 a.m.) Duke Snyder, 304 S. Ocean Trace Road, applicant, representing the Ocean Trace Homeowner's Association, distributed a handout explaining his appeal of the Mid Anastasia Design Review Board's decision of Walgreen's design (Exhibit A). Snyder made a presentation of the issues on the appeal regarding Section 3.08 in the Land Development Code: 1) the purpose and intent; 2) development standards; 3) minimum yard requirements; 4) additional buffering requirements; 5) additional signage requirements; 6) design review guidelines; 7) design elements and materials; and 8) administrative requirements. (11:37 a.m.) George McClure, 170 Malaga Street, Suite A, representing Denise Moxon, the owner of the property, asked questions of Largent, to which he responded regarding: compliance of overlay district standards; ARC membership; ARC members present during the hearing of the application; and setbacks. (11:40 a.m.) Alexander Soto, 10625 Quail Ridge Drive, representing William E. Tully Engineering, responded to questions of McClure regarding: the stormwater detention area; the drainage characteristics of the soils on the site; and the pond elevation. (11:45 a.m.) Denise Moxon, 6357 Putnam Street, responded to questions of McClure regarding: photos of buildings in the area of similar color and similar roofing material as the one proposed. Moxon then requested the Board deny the appeal and approve the project. (11:52 a.m.) Soto responded to questions of the Board regarding the detention area. (11:55 a.m.) McClure asked questions of Soto regarding the subject property being above the predominant grade of the Ocean Trace Homeowner's Subdivision and the drainage system. (11:57 a.m.) McClure responded to questions of the Board regarding the gate to the homeowners' association property, keypad access to the homeowners' association property, and ownership of the subject property.

(12:06 p.m.) Edward Underhill, 304 Sea Woods Drive N., Chairman of the Mid-Anastasia Design Review Board, addressed: the Design Review Board's vote on this issue, buffering, lighting, and parking spaces.

(12:10 p.m.) Francine Fix, 318 S. Ocean Trace Drive, commented in opposition to the Walgreen's project.

(12:12 p.m.) Edward Dennis, 352 S. Ocean Trace Road, commented on the Walgreen's project being in compliance with all the requirements.

(12:17 p.m.) Robert Peissingner, 362 S. Ocean Trace, addressed the drainage.

(12:23 p.m.) Snyder made closing remarks regarding the appeal. (12:29 p.m.) McClure made closing remarks regarding the appeal. Discussion followed on whether the design requirements were met. (12:43 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to deny the ARC Appeal 2005-01, Walgreen's at Ocean Trace, allowing the Mid-Anastasia Island Design Review Board decision to stand.**

The meeting recessed at 12:43 p.m. and reconvened at 1:31 p.m. Commissioners present included Stevenson, Stern, Rich, Maguire and Bryant. Terry Bulla, Deputy Clerk, entered the meeting.

(07/12/05 - 10 - 1:32 p.m.)

9. PUBLIC HEARING - MAJMOD 2005-12 ODUMS MILLS PUD - THE CURRENT ODUMS MILLS PUD HAS DESIGNATED THREE PARCELS AT THE NORTH END OF THE PUD AS COMMERCIAL AND GOVERNMENT. THE GOVERNMENT PARCEL IS LOCATED BETWEEN THE TWO COMMERCIAL PARCELS AND THE TEXT REFERENCES THIS AS A SITE DESIGNATED FOR A ST. JOHNS COUNTY FIRE STATION. THIS MODIFICATION AMENDS THE TEXT TO REMOVE THE REFERENCE TO THE FIRE STATION SITE AND

WILL REPLACE IT WITH REFERENCE TO A ST. JOHNS COUNTY SENIOR CENTER. IN ADDITION, THE MDP MAP WILL BE AMENDED TO REMOVE A PORTION OF THE EASTERN COMMERCIAL SITE AND DESIGNATE IT AS GOVERNMENT NOW THAT THE COUNTY OWNS THIS AS WELL, WITH APPROXIMATELY 57 FEET OF FRONTAGE ON PALM VALLEY ROAD. AND FINALLY THIS MODIFICATION WILL INCLUDE A MASTER DEVELOPMENT PLAN (MDP) MAP TO SHOW THE DETAILS OF THE PROPOSED SENIOR CENTER SITE PLAN. THE MAIN ACCESS TO THE SENIOR CENTER WILL BE PROVIDED FROM LANDRUM LANE. A SECONDARY ACCESS WILL BE PROVIDED TO THE EASTERN PARKING LOT THROUGH THE EXISTING GAS STATION VIA PALM VALLEY ROAD AS DEPICTED ON THE MDP MAP. THE PLANNING AND ZONING AGENCY WILL REVIEW THE REQUEST AND MAKE A RECOMMENDATION AT THEIR JULY 7, 2005 MEETING. THE RESULTS OF THE PLANNING AND ZONING AGENCY VOTE WILL BE MADE AVAILABLE AT THE BOARD OF COUNTY COMMISSIONERS MEETING ON JULY 12, 2005

Proof of publication for the notice of public hearing regarding MAJMOD 2005-12 Odums Mills PUD as received, having been published in *The St. Augustine Record* on June 17, 2005.

Bruce Ford, Chief Planner, introduced the item.

**(1:32 p.m.) Motion by Maguire, seconded by Bryant, carried 5/0, to continue the item until the July 26, 2005 meeting.**

**(07/12/05 - 11 - 1:33 p.m.)**

10. PUBLIC HEARING - MAJMOD 2005-08 EAGLE CREEK PUD - THE LAND DEVELOPMENT CODE, SUBSECTION 5.03.05.C PROVIDES AN EXTENSION OF THE PHASING SCHEDULE BY MORE THAN ONE YEAR IS CONSIDERED TO BE A MAJOR MODIFICATION TO A PLANNED UNIT DEVELOPMENT. THE EAGLE CREEK PLANNED UNIT DEVELOPMENT WAS APPROVED IN 1994 (ORDINANCE NO. 94-04). PUD ORDINANCE 94-04, SCHEDULE OF DEVELOPMENT, REQUIRED A FINAL DEVELOPMENT PLAN TO BE SUBMITTED WITHIN FIVE YEARS OF RECEIPT OF ZONING APPROVAL. THE ORIGINAL PHASING SCHEDULE EXPIRED MARCH 10, 1999 FOR THE COMMERCIAL DEVELOPMENT. THIS REQUEST PROPOSES TO ESTABLISH THE PHASING SCHEDULE AS TWO YEARS FROM THE DATE OF APPROVAL OF THE MAJOR MODIFICATION APPLICATION. THE APPLICATION ALSO REQUESTS APPROVAL OF THE MASTER DEVELOPMENT PLAN MAP FOR THE COMMERCIAL PARCEL. THE MDP DISPLAYS A DEVELOPMENT PLAN FOR THE VILLAGE ACADEMY DAY CARE FACILITY. THE USE IS PROVIDED FOR WITHIN THE ALLOWABLE USES OF PUD ORDINANCE 94-04. THE MDP MAP DEPICTS A 9,103 SQUARE FOOT BUILDING, ASSOCIATED PARKING, AND STORMWATER FACILITIES. THE MAXIMUM BUILDING COVERAGE IS 50% WITH A MAXIMUM IMPERVIOUS SURFACE RATIO OF 75%. A TWENTY-FIVE (25) FOOT NATURAL BUFFER WILL BE MAINTAINED ALONG THE FRONTAGE FOR US 1. AN EIGHT (8) FOOT PERIMETER BUFFER SURROUNDS THE SITE. FOUR-FOOT SIDEWALKS PROVIDE PEDESTRIAN CONNECTIVITY TO ISLAND LANDING DRIVE. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER/SEWER BY ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS INCLUDE PLANNED UNIT DEVELOPMENT (PUD) AND COMMERCIAL INTENSIVE (CI). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 4/0 (WITH



THREE MEMBERS ABSENT) AT THEIR JUNE 16, 2005 MEETING; INCLUDING THE FOLLOWING ADDITIONS TO ADDRESS BUFFERING AND COMPATIBILITY: ADD A SIX (6) FOOT SOLID/OPAQUE FENCE, LABEL THE US 1 ENTRY POINT AS 'CONSTRUCTION ACCESS' AND LABEL THE BUILDING AS A DAY CARE FACILITY

Proof of publication for the notice of public hearing regarding MAJMOD 2005-08 Eagle Creek PUD was received, having been published in *The St. Augustine Record* on June 27, 2005.

Lindsay Haga, Planner III, gave the presentation and said there were no changes. The applicant's representative, Gary Davenport, said they had nothing to add or change. Maguire stated the item had been approved by 4/0 by the Planning and Zoning Agency. Haga noted that as a result of discussion at the PZA meeting, changes to the Master Development Plan included to label the building as a childcare facility, to add opaque fencing, and to label the temporary construction access off of US 1.

(1:35 p.m.) Amy Wesp, 744 Palm Hammock Circle, St. Augustine, commented strongly in favor to put in the day care center.

(1:38 p.m.) Dave Foureman, 185 Marsh Island Circle, represented the Board of Directors of Eagle Creek, said he had no objection to the day care center but did have an objection to exiting onto US 1, because it was a road safety hazard. He also protested the request for a 40-foot ingress and egress and stated she should be limited to 20 feet at the west end of the property. (1:44 p.m.) Haga stated the Master Development Plan map was consistent with the approved, original plan for the Eagle Creek PUD. (1:46 p.m.) Davenport stated that the applicant was willing to place signage for vehicles desiring to go southbound on US 1 to exit onto Island Landing Road.

**(1:50 p.m.) Motion by Stern, seconded by Rich, carried 5/0, to enact Ordinance 2005-57, known as MAJMOD 2005-08 Eagle Creek PUD adopting findings of fact 1 through 6 to support the motion.**

#### ORDINANCE NO. 2005-57

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE EAGLE CREEK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 94-04, AS AMENDED, MAKING FINDINGS OF FACT; REQUIREING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE**

[\(07/12/05 - 12 - 1:50 p.m.\)](#)

11. PUBLIC HEARING - PUD 2004-28 CASSALA ESTATES PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 30.93 ACRES FROM OPEN RURAL AND INDUSTRIAL, WAREHOUSING TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT CONSISTING OF SEVENTY-THREE (73) SINGLE-FAMILY DWELLING UNITS. THE SITE IS LOCATED EAST OF US 1, NORTH OF WATSON ROAD AND PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO WATSON ROAD. ADDITIONAL VEHICULAR AND PEDESTRIAN ACCESS IS NOT PROPOSED. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF FIVE (5) FOOT SIDEWALKS ALONG WATSON ROAD WITH FOUR (4) FOOT SIDEWALKS PROPOSED ALONG ONE SIDE OF THE

INTERNAL ROAD NETWORK. THE DEVELOPMENT PROGRAM ALSO INCLUDES 1.21 ACRES OF RECREATION, 0.835 ACRES OF OPEN SPACE, 1.03 ACRES OF LANDSCAPED BUFFERS, AND 8.25 ACRES OF CONSERVATION AREAS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 36% OF THE PROJECT SITE. THE RESIDENTIAL LOTS ARE PROPOSED TO MEET THE FOLLOWING MINIMUM REQUIREMENTS: FIFTY (50) FOOT MINIMUM LOT WIDTH, 6,050 SQUARE FEET MINIMUM LOT AREA, MAXIMUM LOT COVERAGE BY ALL BUILDINGS AS 50% WITH A MAXIMUM IMPERVIOUS SURFACE RATIO (ISR) OF 60% PER LOT. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: RESIDENTIAL, SINGLE FAMILY 2 (RS-2), INDUSTRIAL, WAREHOUSING (IW), AND OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MAY 5, 2005 HEARING BY A VOTE OF 6/0, WITH ONE MEMBER ABSENT. CHANGES WERE MADE TO THE PUD TEXT TO ADDRESS LOT COVERAGE AND BUFFERING ALONG THE NORTHERN BOUNDARY. THE CHANGES ARE PRESENTED IN STRIKE THROUGH/UNDERLINE FORMAT

Proof of publication for the notice of public hearing regarding PUD 2004-28 Cassala Estates Planned Unit Development was received, having been published in *The St. Augustine Record* on June 27, 2005.

Lindsay Haga, Planner III, gave the presentation. Maguire said it was approved by the PZA with a 6/0 vote with no waivers or variances. He stated he had ex-parte communication with Barbara Conrad regarding drainage problems. He read a letter from Barbara and William Conrad, Sr. into the record concerning drainage problems and density in the area.

(1:52 p.m.) Robert White, 8936 Western Way, Taylor & White, Jacksonville, responded to questions from the Board. Discussion ensued regarding drainage concerns in the proposed area as well as what the applicant had proposed to meet the required standards. Additionally there was discussion regarding the proposed density of the project and the possibility of the County cleaning out the SEC property.

(2:13 p.m.) Dr. Jane Wilson, 4332 Oak Lane, noted that some of the presenter's previous proposal had been changed, and gave a presentation reviewing the proposed plan and how it might affect the area.

(2:22 p.m.) Barbara Conrad, 325 Wildwood Dr., stated she was concerned about the flooding. She provided pictures of flooding in the area, and said she wanted to get the area dried out so they could build on the property.

(2:23 p.m.) Melissa Lundquist, 4620 Carter Road, expressed concern about flooding on her property as a result of the Watson Woods subdivision. She said she did not want to continue to be the solution to everyone else's drainage problems. She indicated they would like to see less density in the proposed development.

(2:35 p.m.) Rich read a letter he had written to the BCC into the record, Exhibit A.

(2:57 p.m.) White addressed the changes to the text and the map addressed by Dr. Wilson.

(3:00p.m.) Motion by Stern to enact Ordinance 2005-58, known as PUD 2004-28 Cassala Estates PUD adopting findings of fact 1 through 6 to support the motion, with the

conditions to comply with all drainage requirements, to proceed with caution and to ensure that the drainage plan is watched carefully. *Motion died for lack of a second.*

(3:03 p.m.) Further discussion ensued regarding the concurrency issue. Bosanko said new legislation had raised some serious questions in that area, and suggested they continue the item because issues had been raised that would cause them to look at other options.

Stevenson disclosed ex-parte communication with area residents, Ms. Conrad and Ms. Lundquist, and discussed flooding problems and history with the Watson Road development.

**(3:09 p.m.) Motion by Rich, seconded by Stevenson, carried 5/0, to continue the item until a date uncertain pending advice from General Counsel.**

Meeting recessed at 3:10 p.m. and reconvened at 3:19 p.m.

[\(07/12/05 - 14 - 3:19 p.m.\)](#)

12. PUBLIC HEARING - MDP 2004-41 SANDY RIDGE SOUTH-NOCATEE (NOCATEE PUD/DRI) - THE NOCATEE PUD PROVIDES THAT A MASTER DEVELOPMENT PLAN (MDP) FOR EACH VILLAGE OR PORTION THEREOF SHALL BE SUBMITTED, REVIEWED AND PROVIDED TO THE PLANNING AND ZONING AGENCY FOR A RECOMMENDATION AND THE BOARD OF COUNTY COMMISSIONER'S FOR CONSIDERATION AND APPROVAL. THIS REQUEST SEEKS APPROVAL OF A MASTER DEVELOPMENT PLAN FOR SANDY RIDGE SOUTH WHICH CONTAINS 189 SINGLE FAMILY UNITS; 1 ACRE OF PARKS AND 49.47 ACRES OF OPEN SPACE. SANDY RIDGE SOUTH IS A PORTION OF THE SANDY RIDGE VILLAGE. THE SANDY RIDGE VILLAGE, AS A WHOLE, WILL BE REQUIRED TO COMPLY WITH ALL VILLAGE REQUIREMENTS OF THE PUD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY A VOTE OF 4/2 AT THE PUBLIC HEARING HELD APRIL 21, 2005 (WITH ONE MEMBER ABSENT)

Proof of publication of the notice of public hearing on MDP 2004-41, Sandy Ridge South-Nocatee (Nocatee PUD/DRI), was received having been published in *The St. Augustine Record* on July 1, 2005.

Lindsay Haga, Planner III, gave the presentation, and said staff recommended approval based on the changes made. She said it was consistent with the Nocatee PUD, with the Future Land Use element, and with the Comprehensive Plan.

(3:20 p.m.) Rachel Bennett, 14775 St. Augustine Rd., England Timms & Miller, stated she represented the applicant. She said there were no additions or changes. She said the PZA recommended approved with a 4/2 vote. She said that the changes staff had requested had been made to the MDP, and the parcel was changed from commercial to residential to satisfy interconnectivity concerns.

(3:25 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, said Nocatee was still under review by the Army Corps of Engineers, and it was not prudent to go ahead with the plan since the Corps had not issued the permits. (3:27 p.m.) Rich asked for education regarding the legal nature of her comments. Haga responded they would be required to get a permit from the Army Corps of Engineers for any wetland impact that might occur for any area of Nocatee that had received Master Development Plan approval. Rich inquired that due to the fact that they were reviewing the permit prior

to the Army Corps permit being in place, whether they might have to reverse an approval if the Corps came back and said a permit could not be issued. Lopez said the permits would come after the planning level stage, and it would not be the same level of inquiry that the Corps would do. She said that typically it would not come back to the Board because of all the previous permitting that would be required and that was the typical process.

**(3:31 p.m.) Motion by Bryant, seconded by Stevenson, carried 5/0, to adopt Resolution 2005-193 known as MDP 2004-41 Sandy Ridge South Nocatee adopting findings of fact 1 through 4, to support the motion.**

#### **RESOLUTION NO. 2005-193**

#### **RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MASTER DEVELOPMENT PLAN (MDP) TO THE NOCATEE PLANNED UNIT DEVELOPMENT NAMED SANDY RIDGE SOUTH MDP; ORDINANCE NO 2002-46, AS AMENDED**

**(07/12/05 - 15 - 3:31 p.m.)**

13. PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT TO TRANSMIT THE 5-YEAR CAPITAL IMPROVEMENT SCHEDULE - THIS IS A COMPREHENSIVE PLAN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT TO TRANSMIT THE 5-YEAR CAPITAL IMPROVEMENT SCHEDULE. THE CAPITAL IMPROVEMENT SCHEDULE LIST PROPOSED PROJECTS PLANNED TO BE STUDIED, DESIGNED OR CONSTRUCTED WITHIN FIVE YEARS THAT IMPROVE OR MAINTAIN THE ADOPTED LEVEL OF SERVICE STANDARD (LOSS) FOR WATER, SEWER, RECREATION AND TRANSPORTATION. THIS IS A TRANSMITTAL HEARING AS REQUIRED BY STATE LAW. ONCE DCA AND STATE AGENCIES COMMENT ON THE PROPOSED AMENDMENT, IT WILL BE HEARD AGAIN BY THE PLANNING AND ZONING AGENCY AND BOARD OF COUNTY COMMISSIONERS FOR FINAL ACTION. THE PLANNING AND ZONING AGENCY RECOMMENDED THE PROPOSED AMENDMENT BE TRANSMITTED AT ITS JUNE 16 MEETING WITH A 4-0 VOTE

Proof of publication of the notice of public hearing on the comp plan amendment to the Capital Improvements Element to transmit the 5-year Capital Improvement Schedule was received having been published in *The St. Augustine Record* on June 7, 2005.

Teresa Bishop, AICP Planning Director, gave the presentation and she said the amendment was exempt from the twice-yearly cycle. She said it applied to Water, Sewer, Recreation and Transportation. She added that if they approved transmittal it would be returned to the Board sometime in October.

**(3:33 p.m.) Motion by Bryant, seconded by Stern, to transmit the proposed Comprehensive Plan Amendment to the Capital Improvements Element 5-Year Capital Improvement Schedule to the Department of Community Affairs to obtain State Agency review with findings of fact one through three to support the motion.**

(3:35 p.m.) Discussion ensued regarding the setting aside and designation of reserve funds. Bosanko explained that they could not be stockpiled because there was a 10



percent rule. Bishop said the schedule could be amended and the amounts and projects could be switched around and/or projects could be added if they needed to improve the level of service. She further explained that with the new Growth Management Act that was passed, the schedule would look a lot different, as the current schedule was developed under the old regulations. (3:37 p.m.) Stevenson asked if the County would have to provide any matching funding, or if there was anything they needed to do to help push the project for Highway 9-B along. Stephenson responded that committed funding for 9-B had not been secured and they were still looking for funding. (3:39 p.m.) **Motion carried 5/0.**

(07/12/05 - 16 - 3:40 p.m.)

14. INTERLOCAL AGREEMENT WITH THE CITY OF ST. AUGUSTINE BEACH

Maguire stated he attended the St. Augustine Beach City Council meeting last night, and asked them not to vote to discontinue the contract for collection of Impact Fees, and they gave us an abeyance for about 90 days. He said he explained the Humanitarian Ordinance, the Economic Incentive Package Ordinance and they discussed the Interlocal Agreement. He said the Commission voted, and on a 3/1 vote they asked him to bring a counter offer back to the Board. He reported that the County had offered for Parks 25% which they accepted, 25% for Roads and 75% for Public Buildings. He explained that the City asked for 50% for Roads and 50% for Public Buildings, and based on last year's numbers, the amount they might expect from that breakout came to around \$200,000. He said they also asked for a clause that at the end of the first year they would review the percentages to see if they were appropriate for both sides. (3:44 p.m.) Bryant said he supported what he had done. He said the County only had five roads within the City of St. Augustine Beach on which the County owned the right-of-way and he thought the 50% breakdown would be fair. (3:44 p.m.) Rich asked if it affected any agreement with the City of St. Augustine. Maguire said there was no current agreement with the City of St. Augustine, and they were going to approach the City in a similar fashion. He stated they planned to approach the Town of Hastings with the same idea using the original proposal to St. Augustine Beach as a model for all three communities. (3:46 p.m.) Stevenson relayed a question from a citizen, relating to municipalities collecting impact fees for schools. Lopez responded that theoretically there could be legal grounds and that legal staff would respond to whatever the Board asked them to do. She said that in the past they had worked in a spirit of cooperation on such matters. (3:49 p.m.) Bryant stated his concern about the collection of the transportation road impact fees and used the example of the Ponce if they annexed into the County and then spent the funding someplace else, like downtown. Lopez said she had forwarded the model language to the City of St. Augustine and to Hastings but had not heard back from their counsel. (3:50 p.m.) Stern expressed concern about the City of St. Augustine and there should be some definition to the areas in which the funding could be used.

(3:52 p.m.) **Motion by Maguire, seconded by Bryant to accept changes to the draft Interlocal Agreement presented to the City of St. Augustine Beach on July 11, 2005, with the following changes: Roads changed from 25% to 50%, Public Buildings from 75% to 50%, and a clause is to be added that a review of the percentages is to be held at the end of the first year to see if the amounts remain appropriate for both parties. Lopez is to revise the Agreement reflecting the changes, which will be presented to the St. Augustine Beach City Commission at its next meeting.**

Bryant asked staff to look at the drainage problems on those streets that were maintained by the County and to clean them out if necessary. (3:53 p.m.) **The motion carried 5/0.**

(07/12/05 - 17 - 3:53 p.m.)

COMMISSIONER REPORTS

Commissioner Stern:

She stated she went to the Hastings Town Council Meeting and that there were problems with the air conditioning at the Hastings Library. She asked that they look at the contract with the City to see who approved an inadequate system and to provide assistance and to share the expense if it was proper. She also discussed the draft of the Interlocal Agreement and the date for a joint meeting with the SJC Board of County Commissioners. She stated a draft of the Interlocal Agreement had been sent to Ron Brown, attorney for the Town of Hastings. The date of August 30 at 6:00 p.m. in Hastings was proposed for a joint meeting. She said they believed there was no need for an Interlocal Agreement, that there were elements they found offensive, and wanted to review it at a later date. She asked Adams to check with Shelby Jack to see what they wanted to discuss at the joint meeting. Lopez said their meeting for the final hearings on annexation would be on August 8 but Stern suggested they make sure on that date based on conversations she heard at last night's meeting. Maguire asked Stern to follow up on the proposed meeting date and to let them know. Stevenson asked how important it was to us if they approved annexation without the Interlocal Agreement. Lopez responded they had 30 days from the date of the approval irrespective of any Interlocal Agreement to challenge any issues. She said she had not received feedback from the Counsel of the Town of Hastings and she had been unaware that there were any provisions in the draft that they felt were offensive. (4:02 p.m.) Stevenson said she had also visited with them on an informal basis, and they had concerns regarding services to the north Hastings area. She asked for a copy of the proposed Interlocal Agreement.

(4:04 p.m.)

Commissioner Rich:

No report.

(4:04 p.m.)

Commissioner Bryant:

He said he was still receiving complaints on solid waste collection.

(4:05 p.m.)

Commissioner Maguire:

He reported that on July 28 & 29, NPOAC would be meeting at the Sawgrass Marriott in Ponte Vedra. He said Mayor Peyton was hosting a Growth Management Task Force meeting on Thursday, July 14 at City Hall. He noted that the Utility Contractors Association of North Florida had invited the Commission to attend a breakfast meeting Thursday, September 22 at River City Brewing Company. He said the Veterans Council had unanimously supported the placement of a new nursing home in St. Johns County, and staff was aggressively trying to find a spot for a new nursing home. He noted that the Department of Transportation would be installing a yellow flashing light with reduced speed in front of Gamble Rogers Middle School at US 1 and speeding fines would be doubled and could reach \$500. He forwarded a message from Daisy Duck requesting that the County should give any senior over 65, in St. Johns County, who gave over a gallon of blood, a beach pass for the rest of their lives.

(4:08 p.m.)

Commissioner Stevenson:

She reported that she was still getting solid waste complaints, though they were tapering off, and she would like a progress report. Adams said he would put it on the

next agenda. She said there was confusion over the date and time for the bridge meeting, and asked that the public be informed as to when the meeting was scheduled. She asked if the impact fee was discussed with St. Augustine Beach. Maguire said it was discussed and a new package would be presented to the Board in 60 to 90 days. She asked Maguire to comment on the Ordinance Sheriff Shoar had started some work on regarding the Sexual Predator Ordinance. Bosanko said Laura Barrow was working on it, regarding sexual predator protection, and whether local rules could be added to State rules to make them stricter, and a report was being prepared to present to the Board soon. Stevenson said she would like to know about those type things before they were made public as they had in the case when Maguire spoke on the Kerry McCarthy Show. Maguire said he agreed and stated the Sunshine Law had an affect on that. He said he usually tried to get the information through Adams but sometimes forgot. He said there had also been some discussion regarding review of the Tree Ordinance. He asked Bosanko to send a copy of the e-mail he had sent to him, to the other Commissioners. He said when they asked Adams to do something it should be through the consensus of the Board. Adams said there had been no problem. Bosanko said there was a rule stating that no County Commissioner could give direction to staff. He said none of them could give direction to the County Administrator, but they could ask him to do something without getting direction from the board, and he was able to make the decision whether it was appropriate. He further stated there was also a rule that said the County Attorney's office was not to work on new policy type Ordinance without direction from the majority of the Board or the Chairman.

(07/12/05 - 18 - 4:20 p.m.)

#### COUNTY ADMINISTRATOR REPORT

Adams talked about Hurricane Dennis and reported that they provided Mutual Aid to areas hit by the storm and had provided staff to assist with the efforts. He said the St. Johns River Crossing meeting would be July 27 at 5:30 p.m. at the County Auditorium. Maguire said that on July 25 at 2:00 p.m. Jennifer Carroll was holding a special meeting in that regard and had invited the Chairman and Vice Chairman. He suggested District 1 & 2 might want to attend since they were directly affected. He also said Clay County, which was not going to vote on the bridge crossing, was contemplating bringing up the issue at their regular Board meeting on July 26. (4:23 p.m.) Adams said the Vilano Boat Ramp should be under construction in about 2 to 4 months, and there would be 39 new parking spaces, restrooms and concessions. He said it had taken 4 ½ years to get to that point. He reported that the Palmo Boat Ramp permit had just been secured as well, and that the area would be cleaned up soon. He reported that the Riverdale ramp was open and would be closed for 3 or 4 days to connect the bathrooms. He said things were getting better for boaters.

(07/12/05 - 18 - 4:26 p.m.)

#### COUNTY ATTORNEY'S REPORT

Bosanko said he had received a call from the Executive Director of the staff of the Joint Legislative Auditing Committee, and he had stated that our county's request for an audit of several departments was not going on the list for consideration at the July 19 meeting. He said they had been placed on a list for review in September because of the backlog. He suggested they call a couple of the Senators who were on the committee and who represented portions of St. Johns County, to see if they could have any influence. He noted their other option was to hire a private firm to do the audit. Maguire asked the Board for permission to make the phone calls. Bosanko responded to a question by Rich said the order of approvals of land development projects could be changed; concurrency first, then zoning and then permitting. He said it hadn't always worked that way and they needed to be aware of the pros and cons of doing it differently. Bishop addressed his comments.

(4:33 p.m.) Adams addressed the parking lot issue with the big trial next week and the use of the auditorium.

(4:34 p.m.) Motion by Bryant, seconded by Maguire, carried 5/0 to adjourn at 4:34 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 369351 through 369381, totaling \$51,953.55 (6/24/05)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 369382 through 369940, totaling \$3,311,825.50 (6/28/05)

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief Bureau of Administrative Code, filing Ordinance Number 2005-56 (July 1, 2005)
2. Letter to Liz Cloud, Chief Bureau of Administrative Code, filing Ordinance Numbers 2005-53 through 2005-55 (July 17, 2005)
3. Letter to Pat DeGrande, Minutes & Records, regarding acquiring preschool classrooms at Hastings Elementary School

Approved August 23, 2005

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

