

NOTE:

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**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 9, 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
 Karen R. Stern, District 2
 Ben Rich, District 3
 Ben W. Adams, Jr., County Administrator
 Dan Bosanko, County Attorney
 Isabelle Lopez, Senior Assistant County Attorney
 Terry Bulla, Deputy Clerk

Also present: Kimberly Sutton, Court Reporter
 Cyndi Stevenson, District 1 arrived 8:04 a.m.
 Cheryl Strickland, Clerk of Court

Absent: James E. Bryant, District 5, Vice Chairman

Proof of publication of a special private attorney/client meeting was received, having been published in *The St. Augustine Record* on July 22, 2005.

(08/09/05 - 1 - 8:03 a.m.)

1. 8:00 AM - CLOSED SESSION - THIS IS A SPECIAL PRIVATE ATTORNEY - CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS AND ST. JOHNS COUNTY, DIVISION OF ADMINISTRATIVE HEARINGS CASE NO.: 03-4764 GM. IN THIS CASE THE DCA IS CONTESTING THE COUNTY'S ADOPTION AND ENACTMENT OF A COMPREHENSIVE PLAN AMENDMENT, WHICH CONVERTED A PARCEL OF LAND ON THE NORTHEAST QUADRANT OF INTERNATIONAL GOLF PARKWAY FROM RURAL SILVICULTURE TO INTENSIVE COMMERCIAL AND CONSERVATION. THE LANDOWNERS (THE "9 MILE GANG") HAVE INTERVENED. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM A HAS BEEN RESERVED FOR THIS MEETING

Maguire called the meeting to order and announced that three board members were starting the meeting: Stern, Maguire and Rich; and that the other two commissioners would join the meeting shortly.

(8:04 a.m.) Bosanko stated that he needed advice concerning the lawsuit between the Florida Department of Community Affairs and the Board of County Commissioners of St. Johns County, Division of Administrative Hearings, Case No. 03-4764GM. Florida Statute 286.011 allowed the Board to hold a private meeting in order to provide the advice to the County Attorney.

Maguire announced the names of persons attending the meeting: Bruce Maguire, Karen Stern, Ben Rich, Cyndi Stevenson, Ben Adams, Daniel Bosanko, Isabelle Lopez and Kimberly Sutton, Court Reporter. Stevenson arrived at 8:04 a.m. James Bryant was absent.

(8:36 a.m.) Maguire announced the termination of the closed attorney/client meeting.

(8:37 a.m.) **Motion by Rich, seconded by Stern, carried 4/0 with Bryant absent, to close the special meeting.** (9:00 a.m.) Bryant joined the regular meeting.

(08/09/05 - 2 - 9:03 a.m.)
CALL TO ORDER

Maguire called the regular meeting to order.

(08/09/05 - 2 - 9:03 a.m.)
ROLL CALL

Five commissioners were present.

(08/09/05 - 2 - 9:03 a.m.)
Bryant gave the invocation and Stevenson led the Pledge of Allegiance.

(08/09/05 - 2 - 9:04 a.m.)
SPECIAL RECOGNITION OF DENNIS W. HOLLINGSWORTH, ST. JOHNS COUNTY
TAX COLLECTOR

Maguire made the presentation of the Certificate of Accomplishment to Dennis Hollingsworth, St. Johns County Tax Collector, for being the Outstanding Treasurer of the Year for 2005 in the entire United States. He received the prestigious Victor Martinelli Award given by the National Association of County Treasurers and Finance Officers. Hollingsworth received the award and thanked his staff for all the hard work they had done to help accomplish his new ideas.

(08/09/05 - 2 - 9:08 a.m.)
PROCLAMATION DESIGNATING AUGUST 15-19, 2005 AS FLORIDA WATER,
WASTEWATER & SYSTEMS OPERATORS WEEK

Stevenson presented the proclamation to Ronnie Brown, Barry Stewart and other representatives from the St. Johns County Utility to honor all of our Utility workers. Stewart received the proclamation on behalf of the county utility workers.

(9:13 a.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to accept the Proclamation and Certificate of Appreciation to Hollingsworth.**

(08/09/05 - 2 - 9:13 a.m.)
PUBLIC COMMENT

There was none.

(08/09/05 - 2 - 9:14 a.m.)
DELETIONS TO CONSENT AGENDA

Stern requested to pull Item No. 14 from the Consent Agenda and asked that it be added to the Regular Agenda as Item 18a. Rich asked that Item No. 3 on the Consent

Agenda be added as Item No. 18b on the Regular Agenda. Adams asked that Consent Items 6 and 7 be pulled, and be resubmitted at a later date.

(08/09/05 - 3 - 9:15 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Rich, seconded by Stern, carried 5/0, to accept the Consent Agenda as amended.

1. Approval of the Cash Requirement Report

2. Sheriff's Office Bonds:

Approve:

Carren Anderson	Donna Bennett	Molly Davis
Kurt Daniels	Willie King	Sandra Lazor
Walter Mosher	Crystal Pasley	Rosemary Rahill

Cancel:

Willie M. Wilcox

3. Motion to accept the Insurance Requirements Policy, effective January 1, 2006

Moved to Item No. 18b on the Regular Agenda.

4. Motion to adopt **Resolution No. 2005-205**, approving the terms of and authorizing the County Administrator to execute certain purchase and sale agreements for property needed for the improvements to Russell Sampson Road

RESOLUTION NO. 2005-205

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CERTAIN PURCHASE AND SALE AGREEMENTS FOR PROPERTY NEEDED FOR THE IMPROVEMENTS TO RUSSELL SAMPSON ROAD

5. Motion to adopt **Resolution No. 2005-206**, authorizing the Clerk of Circuit Courts, under Section 95.361, Florida Statutes, to file a survey map for Shannon Road, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in *Downing v. Bird* 100 So. 2d 57 (Fla. 1958)

RESOLUTION NO. 2005-206

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR SHANNON ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A

**PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-
OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES
SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57
(FLA.1958)**

6. Motion to adopt a resolution approving a final plat for Cypress Trace, Phase 1

This item was pulled and will be resubmitted at a later date.

7. Motion to adopt a resolution approving a final plat for Cypress Trace Phase II

This item was pulled and will be resubmitted at a later date.

8. Motion to approve the transfer of \$103,383 from 0035-59101 (Law Enforcement-Transfer to Officers) to 0042-59101 (Corrections-Transfer to Officers) to accommodate the request of the Sheriff

9. Motion to authorize the County Administrator, or his designee, to purchase nineteen (19) Panasonic Toughbook Laptop Computers from the responsive low bidder, GDW Government, Inc., in the amount of \$61,066
(See Attachment A)

10. Motion to authorize the County Administrator, or his designee, to enter into contract with Summerville Electric, Inc., at unit prices submitted with proposal under Bid 05-117 (See Attachment B)

11. Motion to authorize the County Administrator, or his designee, to enter into contract with W.W. Gay Mechanical, Inc., for work in the amount of \$1,231,697.00 for the project titled Upgrade HVAC Systems in East Wings, Health & Human Services Building, under Bid No. 05-107 (See Attachment C)

12. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with Azteca Systems, Inc. (Cityworks) to purchase software in an amount not to exceed \$398,500.00 for the project titled Acquisition and Implementation of Infrastructure Management System Software at the St. Johns Public Works Department, under RFQ No. 05-77

13. Motion to authorize the County Administrator to execute documents needed to implement the Historic Preservation Grant Award, Agreement No. S0647, as provided by the Division of Historical Resources Staff

This item was moved to Regular Agenda Item No. 18a.

14. Motion to declare an increase in the design-build contract with PBS&J (Summer Haven Damage Assessment and Restoration - Hurricane Jeanne) to expend the required funds, up to a maximum amount of \$1,149,848 county matching funds or until project completion, whichever occurs first

15. Motion to adopt **Resolution No. 2005-207**, recognizing unanticipated revenue in the amount of \$24,360 and increasing the Federal Grant expenditure budget line [1224-55304-1053-56400] of the Fire District Fund by the same amount

**ST. JOHNS COUNTY
BID TABULATION**



LEIGH DANIELS
KAREN WISEMAN

OPENED BY
TABULATED BY

VERIFIED BY

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.

BID TITLE: PURCHASE OF SIXTEEN (16) PANASONIC LAPTOP COMPUTERS
 BID NO. 05-122
 OPENING DATE/TIME: JULY 13, 2005 3:00 P.M.
 POSTING TIME/DATE: FROM 7/13/2005 4:00 PM UNTIL 7/18/2005 4:00 PM

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL PACKAGE BID PRICE	DELIVERY DATE
NES COMPLETE BUSINESS SYSTEM SOLUTIONS	\$56,800.00	7-10 DAYS
4SURE.COM/TECH DEPOT	\$51,805.28	5-7 DAYS
HOWARD COMPUTERS	\$58,944.00	21 DAYS
INSIGHT PUBLIC SECTOR	\$52,500.00	AUGUST 11, 2005
GOV CONNECTION INC	\$55,182.72	1-30 DAYS
ZONES, INC.	\$52,675.22	10-14 DAYS
CDW GOVERNMENT, INC.	\$51,424.00	2-10 DAYS



BID AWARD DATE -

Attachment A Item Consent 9

8-9-05



ST. JOHNS COUNTY BID TABULATION

BID TITLE

ANNUAL NON-ROUTINE &
EMERGENCY SIGNAL

MAINTENANCE SERVICES FOR
ST. JOHNS COUNTY

BID NO. 05-117

OPENING DATE/TIME
JULY 20, 2005 2:00 P.M.

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

CELIA KLING *ckl*

TABULATED BY

KAREN WISEMAN *kw*

VERIFIED BY

POSTING TIME/DATE

FROM 7/20/2005 3:00 PM

UNTIL

7/25/2005 3:00 PM

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	LEVEL II FIELD TECH UNIT COST PER MAN HOUR	LEVEL I FIELD TECH UNIT COST PER MAN HOUR	BUCKET TRUCK UNIT COST PER HOUR	PLATFORM TRUCK UNIT COST PER HOUR	ON-CALL DUTY PER INTERSECTION PER MONTH	BID BOND
AMERICAN LIGHTING AND SIGNALIZATION, INC.	\$80.00	\$60.00	\$20.00	\$20.00	\$15.00	YES
SUMMERVILLE ELECTRIC, INC.	\$30.00	\$10.00	\$63.00	\$10.00	\$5.00	YES

BID AWARD DATE - _____

Attachment B Consent Item 10
- 8.9.05



ST. JOHNS COUNTY BID TABULATION

BID TITLE

UPGRADE HVAC SYSTEMS IN
EAST WINGS
HEALTH & HUMAN SERVICES
BUILDING

BID NUMBER

BID NO. 05-107

OPENING DATE/TIME

JUNE 22, 2005 2:00 P.M.

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

JANET ELLIOTT *J.E.*

TABULATED BY

KAREN WISEMAN *KW*

VERIFIED BY

POSTING TIME/DATE

6/22/2005 3:00 PM

UNTIL

6/27/2005 3:00 PM

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	BASE BID #1 PRICE	BID BOND	ATTENDED MANDATORY PRE-MANDATORY PRE-BID MEETING		
JOHNSON CONTROLS, INC	\$942,945.00	YES	YES		
WW GAY MECHANICAL, INC	\$1,231,697.00	YES	YES	↓	
SAUER, INC.	\$1,605,000.00	YES	YES		

BID AWARD DATE - _____

RESOLUTION NO. 2005-207

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

16. Motion to approve an interlocal agreement between the City of St. Augustine Beach and St. Johns County for collection of impact fees and direct the Chairman to execute said interlocal agreement
17. Motion to authorize the County Administrator to sign Appendix 10, "Certification of Local Government Approval For Nonprofit Organizations," of the State of Florida Department of Children and Families Federal Emergency Shelter Grants Request for Proposal

(08/09/05 - 5 - 9:16 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams asked that a correction be made on Item No. 7, which read that it was to be time certain for 1:30 p.m. and was advertised in that way. He explained that it was supposed to be for Item No. 8, and since it was advertised in that fashion they needed to leave it at 1:30 p.m., with Item No. 8 to follow immediately. Bosanko asked that an item be added at the beginning of day to give direction to the County staff regarding the discussion held in the closed meeting. Maguire said they would make that Item A1, the motion for the closed meeting agenda. Bosanko said it was for the Department of Community Affairs and St. Johns County Division of Administrative Hearings Case No. 03-4764GM.

(08/09/05 - 5 - 9:17 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Stern, second by Stevenson, carried 5/0, to approve the Regular Agenda as amended.

(08/09/05 - 5 - 9:17 a.m.)

A1. MOTION TO INSTRUCT THE COUNTY ATTORNEY'S OFFICE

(9:17 a.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to instruct the County Attorney's office and the Planning Department to schedule the required hearings to consider rescission of Ordinance 2003-88, 9 Mile Gang Future Land Use Map Amendment that had changed the land use map designation from Rural Silivculture to Intensive Commercial and Conservation, pursuant to a possible settlement of Department of Community Affairs v. St. Johns County and 9 Mile Gang Partnership, Division of Administrative Hearings Case No. 03-4764GM.**

(08/09/05 - 5 - 9:19 a.m.)

1. PRESENTATION ON GLASS RECYCLING

Jim Arnold, Seaboard Waste Systems, gave a presentation on the current glass markets. He gave figures for the cost of garbage and yard trash collection and noted that the charges for recycling were significantly higher. He said they took all the recyclables to the Waste Services of Florida, Inc's., materials recovery facility in Jacksonville, and that Waste Services mechanically and manually sorted recyclables, including glass by color. He said that Waste Services delivered 95 percent of all incoming glass to recycled glass

processor, Strategic Material, Inc., including broken and mixed glass, who acknowledged that there was a stable, but low-priced, market for glass. He noted that the net cost to add glass recycling would be \$464,536 per year, or .90 cents per month per residence. (9:29 a.m.) Mary O'Brien, Advance Disposal, said that their markets were the same as those for Seaboard Waste Systems, and all glass in north Florida came to Strategic Material, Inc., in Jacksonville. She said the question was whether or not it made economic sense to recycle and if it was the Commission's desire to recycle the glass. She explained that glass particles became a contaminant to the paper recyclers, and paper made up the vast majority, 70 percent, of recycling. She explained that the agreement SP Recycling signed with Advanced Disposal in 2003 to handle residential recyclables in southern St. Johns County depended, in part, on keeping glass out of the recycle stream, and if the County were to add glass, they would be forced to renegotiate that agreement. She added they would be more than willing to do that, if it was the desire of the Board.

(9:32 a.m.) Stern asked if they planned to continue to pick up glass at drop off bins. O'Brien said they planned to continue what they were currently doing, with three drop off locations. Maguire summed up the cost factor and asked if they wanted to undertake the financial obligation, and if they wanted to workshop the issue to include it in the non ad valorem assessments. Stevenson said she favored the workshop. Rich said he was concerned about costs, could see no positive side to recycling and would not support a workshop. Stern said the cost was a consideration that concerned her, however, she did not mind workshopping the issue. Stevenson stated that it was a community values/demographics issue and she would support a workshop, but at a minimum would like to see more drop off areas. Rich concurred that it was a demographic issue. Stern suggested they start in segments in specific areas of the county. Maguire suggested they get input from the residents of various areas. Bryant said he would support a workshop, but he would also support finding more locations for glass collection pickup. Maguire concluded they would not hold a workshop at this time, but would look into finding more drop off areas. Adams said they would try to find more drop off locations within the next two months. (9:49 a.m.) O'Brien congratulated the County for its fabulous job in their recycling efforts.

(08/09/05 - 6 - 9:52 a.m.)

2. PUBLIC HEARING - COMPAMD 2004-08, COMPREHENSIVE PLAN AMENDMENTS AS RELATED TO THE TWIN CREEKS DEVELOPMENT OF REGIONAL IMPACT (DRI) - REQUEST TO AMEND THE COMPREHENSIVE PLAN 2015 FUTURE LAND USE MAP AND GOALS, OBJECTIVES AND POLICIES AS FOLLOWS: AMEND THE FUTURE LAND USE MAP FROM RURAL/SILVICULTURE TO CONSERVATION. AMEND OBJECTIVE H.1.6 TO ADD A POLICY AUTHORIZING THE TWIN CREEKS DRI TO UTILIZE THE STANDARDS AND GUIDELINES ESTABLISHED IN CHAPTER 163.3180(12), FLORIDA STATUTES, ALLOWING THE PAYMENT OF A PROPORTIONATE SHARE CONTRIBUTION TO ADDRESS TRANSPORTATION CONCURRENCY (PIPELINING); AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE TO ADD THE PUBLIC FACILITY IMPROVEMENTS PROPOSED IN THE TWIN CREEKS DRI

Proof of publication of the notice of public hearing on Comprehensive Plan Amendments regarding the Twin Creeks DRI was received, having been published in *The St. Augustine Record* on June 2, 2005.

Maguire declared ex parte communications with George McClure and the developers on three occasions to discuss the general layout of the property, how it was to be developed, the amount of funding that would go into transportation and the proposed

transportation offsets and pipelining. Bryant revealed ex parte communication when he met with the developer once, many months ago, and transportation impacts were discussed. Rich said he also met with the developer many months ago on basically the same issues as Bryant, and had received a memo from Bruce Robbins that morning. Stern disclosed ex parte with George McClure and the principals and developers on numerous occasions, and had discussed transportation, affordable housing and schools. Stevenson said she had met with and spoken to the large supporting cast for Twin Creeks regarding affordable housing, water supply, transportation, recreation amenities and various issues. She said she had also met with staff and had gone to community meetings.

(9:55 a.m.) Teresa Bishop, Planning Director, noted there were three comprehensive plan amendments they were considering. She clarified that development could occur on the Mixed Use Residential A and Residential B designations, without amending the Future Land Use Map. She explained that what was being amended was 157 acres of land adjacent to Durbin Creek, which was going from Rural/Silvicultural to Conservation. She said it was pursuant to an agreement that was made with some transfer of development rights that occurred when the Water Management District purchased what we now know as the Twelve Mile Swamp/Cummer acquisition. She noted that the second amendment was to amend the capital improvement element to allow them to pipeline their transportation improvements. She read the standards and guidelines as established in Chapter 163.3180(12), Florida Statutes. She noted that the proportionate share the applicant had provided was \$70,364,347. She stated that the third amendment to the Comprehensive Plan related to Twin Creeks was amending the Five-Year Capital Improvement Schedule to accommodate the proposed improvements to parks and recreation, water and sewer utilities in the county's utility area and transportation improvements. Bishop explained that the DRI (Agenda Item No. 3) contained 600,000 sq. ft. of retail service uses, 300,000 square feet of office, 175 hotel rooms, 5,000 total dwelling units (2,000 multi-family and 3,000 single-family) and 2 million square feet of light industrial uses. She said there were 24 acres of neighborhood parks, 37 acres of community parks and 243 acres of regional and open space. She listed other details the DRI would include. She noted they were also proposing to preserve 1,118 acres of wetlands. She stated that many of the issues brought up in the staff report had been resolved. She said there was a pending issue with some bonding language for two of the transportation improvements, and the applicants had indicated that they would provide the additional language to address the bonding concern. She asked the Board to request that the language be considered. She noted that representatives from the School District, the Utilities Department, Public Works, DOT, the Regional Council and the applicant were present.

(10:03 a.m.) Bryant stated that the US Transportation Bill was in place and that around \$6 million was in place for the new interchange and flyover at CR 210 and US 1, and asked if they were taking that into consideration when they were looking at the Five-Year Capital Improvement Schedule. Second, he asked if they were doing something along the CR 210 development area that would not be consistent with the expenditure of the Federal dollars to be utilized on that interchange. Third, if everything was compatible with transferring pipelining dollars from that interchange to the CR 210/I 95 interchange. (10:04 a.m.) Bishop said the transfer of funds had been allowed for in the development order. She noted they were still in the planning study stages, so she did not believe that anything would be inconsistent. Bryant asked if there were strings attached to how the Federal money could be spent on Federal Highway Projects. Joe Stephenson, Public Works Director, said language had been included that the money derived from any other source would be used where it was allocated, and any displaced money would go to the I-95/CR 210 interchange, as reflected in section 21f of the Development Order. He said the Development Order was being looked at more closely

to study access development during the PUD process. He said they complied with the Act 5 standards of the Land Development Code, and there was nothing there that would bite them later. (10:07 a.m.) Lea Gabbay, FDOT, said the \$5.28 million planned to be used would have to comply with Federal regulations and requirements. She said the developer agreed that it would be part of the deal, and explained how it would work. (10:09 a.m.) Rich questioned the cost of the improvements. Bishop responded that they did not know what the improvements for Phase I would actually be, at this point, so they did not know the costs. He asked if the applicant had agreed to fully fund the Phase I improvements. Bishop said they were funding the first phase and if the costs exceeded the \$70 million proportionate share they had committed to provide for that improvement. (10:11 a.m.) Stevenson asked if Phase I meant that the intersection would be completely improved. Gabbay said the long-term plan for the interchange was for 30 years and they were committing to everything that was needed for the first phase (the first 10 years) or \$11.2 million, second phase \$10.5 million by 2015, and future developers would fund the final phase through 2030. She said the right-of-way would be covered by the first phase, and it was to the developers benefit for it to work. (10:15 a.m.) Rich asked about water and sewer issues and if they had an agreement with the developer as to use of recycled water. Bishop said there was no provision in this development order, but the applicant said they would consider it. She said the issue the applicant was struggling with was when it was going to be available, and if they put the dry lines in the area now whether they could keep those dry lines in such a fashion, that when it was available in ten years, if they would still be functioning properly. Rich asked about the two water companies supplying water to the development, JEA north of CR 210 and St. Johns Utilities south of CR 210, and whether the County had asked JEA to allow the County to take over the territory north of CR 210. Neal Shinkre, Utility Department, said it would be split along the CR 210 corridor, as it was in the best interest of both parties and was the most cost effective overall. (10:20 a.m.) Bryant asked about the US 1 flyover and whether it would behoove them to change the Federal earmark from I 95 to US 1. Stephenson said if it was possible he would do it, but he was not sure it would be possible. Bryant asked that Zebrowski contact Congressman Mica in that regard. (10:22 a.m.) Stern said she would be in favor of that, but it often took longer to work with Federal dollars. She said she wanted to make sure it wouldn't hold up the immediate improvement. Gabbay responded that once the IMR was completed there was an entire process that the Federal government had to approve. She said it would help, but it would take about 8 to 10 years to have something built. She said, however, with the money up front, the process could be shortened, and it sounded like a very good idea. She said they would get some immediate relief but much of the remainder of the work would be long term and would not be the band-aide type improvement. Discussion ensued on reuse water, affordable workforce housing, schools, and the developer's commitments. (10:34 a.m.) Bishop said PZA recommended approval with a unanimous vote.

The meeting recessed at 10:34 a.m., and reconvened at 10:49 a.m.

(10:49 a.m.) George McClure gave a presentation on the application and thanked the staff for their work on it. He said the applicant had agreed to improve the roadway systems rather than write a check and he reemphasized that the I-95 and CR 210 interchanges would be built, including right-of-way acquisition, regardless of cost. He said they were posting a bond to ensure that the improvements would be made regardless of what might happen to the developer. He said they could not begin any construction until CR 210 had been widened. He said that Bishop wanted to make sure that the language was in the plan and he had corrected the language to ensure that point. He said that he had misstated the reuse of wastewater, and it should have been phrased that the JEA had a 10-year plan for the reuse of water, and was it was not included during that period of time because it was not available during that time.

(10:56 a.m.) Shinkre explained the reuse issue and that it was economically unfeasible at this time, as all access was through JEA, who would not commit to reuse within the next 10 years. He said it was also unavailable through SJC because it would be uneconomical due to the great distance involved. (10:59 a.m.) Rich stated that it seemed to him that it would be best to get the lines in, keep them wet and convert them when they were needed for reuse. Shinkre explained that it was a very complicated program, and they were headed in that direction, but that ten years was a long way out for such considerations. (11:02 a.m.) McClure said they were limited to two sources for watering; ponds and the low-level aquifer, and if they were not adequate, the developer was out of luck. He said the Floridian aquifer or deep level aquifer could be used for short-term irrigation, but they had decided not to use the Floridian aquifer to show their true concern for conservation. (11:04 a.m.) Bryant asked about the supply to the World Golf Village. Shinkre responded they supplied about one-half million gallons over the year. Bryant said they did not produce enough reuse now for the demands at the WGV use, and they could not produce enough water regionally to meet the project needs. (11:06 a.m.) Stern asked if the use of stormwater for irrigation was in their plans. Shinkre responded he was not sure. Stern asked if it was possible for St. Johns County Utility to make it possible to this development. Shinkre responded that it would not be cost effective to run lines to this future development, as it was 22 miles away. (11:15 a.m.) Stern asked if funding was addressed for the improvements on CR 210. McClure said they would post the standard construction bond. (11:15 a.m.) McClure summarized that because of pipelining and concurrency, the new Growth Management Act affected that. He said they were committed to the fact that nothing would get worse because of this project. He said the DRI they had come up with was unique and it was a pleasure to be associated with it. (11:18 a.m.) Isabelle Lopez, Senior Assistant County Attorney, stated that she had just been handed the revised language, which she read into the record. (11:20 a.m.) McClure stated that what the new language meant was that the applicant could not begin any horizontal construction until they had both begun the road and posted the bond.

(11:20 a.m.) Maguire said the six-lane road with four interchanges was a major mistake, and it should be limited to two stop lighted intersections or less. McClure said they would respond to the issue of limiting the number of signalized points during the PUD process. (11:24 a.m.) Stevenson asked for a commitment that the architectural guideline considerations be a part of the Development Order for the development along CR 210. McClure responded that language had been included to cover that concern and read it into the record. Stevenson expressed her appreciation for the applicant's attention to going above and beyond what was required in the minimum requirements. (11:27 a.m.) Bishop asked that Section 21 B, a change in language developed by Shinkre, be included in the motion, "Reuse water will be utilized at the time it's available." She asked if they wanted the traffic signal limitation language to be in the DO. (11:28 a.m.) McClure asked it not be included in the DO because it would be included in the PUD, in terms of location. He said there were issues in respect to safety in terms of signalization and there were standards that the County and the DOT would apply. (11:30 a.m.) Bernie O'Connor with Prosser Hallock, said they had done the traffic analysis and had met the standard that had been set for CR 210 by the County; Access Class 5. He said they had also committed to provide extra right-of-way for CR 210, and lastly there was a balancing act for the CR 210 traffic access points. He said the access points were currently what were needed and changing it to two points would have a negative safety affect on the access site, as well as the flow of traffic on CR 210. (11:32 a.m.) McClure said they needed to leave at least three intersections, and explained why. (11:34 a.m.) Joe Stephenson, Public Works Director, said he agreed with O'Connor, as any changes would require serious changes. He asked them to address median openings as opposed to traffic signals, as every median opening would eventually demand a traffic signal. He said it was a critical element in planning, but that they developed their decisions

first on the Land Development Code. (11:37 a.m.) McClure said that he was satisfied with what Stephenson had said and they would add item (h) to the Transportation Section, stating that it was the intent of the Board in the PUD process to apply a more restrictive Access Management Class than Class 5. (11:37 a.m.) Maguire asked Bishop if what McClure had just said expressed what he had been trying to say. Bishop responded that it did. (11:38 a.m.) Bishop said the last issue was the architectural design standards, and asked if they wanted that language to be considered in the Development Order. Stevenson commented she just wanted the commitment in the Development Order. (11:39 a.m.) Lopez recapped the four proposed amendments: the bonding language that they had all altered, the CR 210 architectural landscaping amenities language, the reuse of water language and a more restrictive class than a Class 5 applied to CR 210. (11:40a.m.) Stevenson asked if she could make the amendments all together. Lopez responded they could make the Comp Plan section all together and then the Development Order would be a separate motion. She clarified that the four amendments discussed would be in the Development Order.

(11: 41 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0 to enact Ordinance 2005-67, known as Twin Creeks (COMPAMD 2004-08), adopting findings of fact 1 through 3 to support the motion.**

ORDINANCE NO. 2005-67

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND 2015 FUTURE LAND USE MAP FROM RURAL/SILVICULTURE (R/S) TO CONSERVATION FOR APPROXIMATELY 157 ACRES, AMEND COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES-POLICY H.1.6 TO ADD POLICY H.1.6.12 TO AUTHORIZE THE TWIN CREEKS DRI TO UTILIZE THE STANDARDS AND GUIDELINES SET FORTH IN CHAPTER 163.3180(12) FLORIDA STATUTES, TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS BY PAYMENT OF A PROPORTIONATE SHARE, AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE TO ADD THE PUBLIC FACILITY IMPROVEMENTS PROPOSED, FOR APPROXIMATELY 3,050 ACRES KNOWN AS THE TWIN CREEKS DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

(08/09/05 - 10 - 11:41 a.m.)

3. PUBLIC HEARING - TWIN CREEKS DEVELOPMENT OF REGIONAL IMPACT (DRI) DRI 2004-01 AND DRIDO 2005-01 - THE TWIN CREEKS DRI WAS SUBMITTED IN JULY 2004. DRI PROJECTS FOLLOW THE PROCEDURES SET OUT IN CHAPTER 380.06 FLORIDA STATUTES. REVIEW OF THE DRI INCLUDES THE NORTHEAST FLORIDA REGIONAL COUNCIL, DEPARTMENT OF COMMUNITY AFFAIRS, ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DEPARTMENT OF TRANSPORTATION, FIRST COAST METROPOLITAN PLANNING ORGANIZATION, STATE DIVISION OF HISTORICAL RESOURCES, US ARMY CORP OF ENGINEERS, US FISH AND WILDLIFE SERVICE, THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AND ST. JOHNS COUNTY. THE PROJECT HAS PROCEEDED

THROUGH THIS REVIEW AND WAS SCHEDULED FOR PUBLIC HEARINGS WITHIN THE REQUIRED TIMEFRAMES ALLOWED BY FLORIDA STATUTES. THE PROPOSED DEVELOPMENT ORDER (DO) ESTABLISHES THE CONDITIONS IN WHICH THE TWIN CREEKS DRI MAY DEVELOP. THE NORTHEAST FLORIDA REGIONAL COUNCIL (NEFRC) ISSUED AN ASSESSMENT REPORT ON JULY 7, 2004. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM AT THEIR AUGUST 4, 2005 MEETING. THEIR RECOMMENDATION WILL BE PROVIDED ONCE IT IS AVAILABLE

Proof of publication of the notice of public hearing on the Twin Creeks DRI and DRIDO was received, having been published in *The St. Augustine Record* on June 2, 2005.

(11:42 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to approve Resolution 2005-208, known as Twin Creeks DRI 2004-01 and DRIDO 2005-01 amended to reflect the verbiage for commitment for architectural design, reuse water, bonding, and access management, adopting the findings of fact, conclusions of law and conditions contained therein to support the motion.**

RESOLUTION NO. 2005-208

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 2005-208 A DEVELOPMENT OF REGIONAL IMPACT UNDER CHAPTER 380, FLORIDA STATUTES; AUTHORIZING DEVELOPMENT OF APPROXIMATELY 3,050 ACRES IN NORTHERN ST. JOHNS COUNTY; ESTABLISHING MITIGATION REQUIREMENTS FOR REGIONAL IMPACTS INCLUDING MITIGATION FOR TRANSPORTATION AND ENVIRONMENTAL IMPACTS, PROVIDING DEVELOPMENT BUILDOUT DATES; AND ESTABLISHING AN EFFECTIVE DATE

(08/09/05 - 11 - 11:43 a.m.)

4. PUBLIC HEARING - CPA (SS) 2005-02, CHARLES WOLFE PROPERTY - THIS IS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM THE SAINT JOHNS DRI TO R/S. THE SUBJECT PROPERTY CONSISTS OF APPROXIMATELY SIX ACRES THAT WAS INADVERTENTLY SHOWN AS SAINT JOHNS DRI. THE SUBJECT PROPERTY IS ZONED OR AND IS VACANT. THE PROPERTY IS PART OF A LARGER TRACT OF LAND OWNED BY THE SAME OWNER AND IS USED FOR FARMING ACTIVITIES. THE PROPERTY OWNER CONTACTED THE COUNTY AND ASKED THAT THE DESIGNATION BE AMENDED. THIS PROPOSED AMENDMENT WILL DESIGNATE THE SUBJECT PROPERTY AS R/S AND CORRECT THE FLUM DESIGNATION FOR THE SAINT JOHNS DRI. THERE IS NO DEVELOPMENT PLANNED WITH THIS AMENDMENT AND THERE ARE NO IMPACTS TO FACILITIES AND SERVICES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT ITS JUNE 2, 2005 MEETING, WITH A 5-0 VOTE

Proof of publication of the notice of public hearing on CPA (SS) 2005-02, Charles Wolfe Property, was received, having been published in *The St. Augustine Record* on July 25, 2005.

Bishop said there were no changes and PZA recommended approval. She said it was crafted to correct a glitch on the map to reflect that this property was never inside the

St. Johns DRI. She said it had erroneously been on the map since 1990 and they were correcting it.

(11:44 a.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to enact Ordinance No. 2005-68, known as CPA (SS) 2005-02, amending the Future Land Use Map from Saint Johns DRI to R/S, adopting Findings of Fact 1 through 3 to support the motion.**

ORDINANCE NO. 2005-68

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM SAINT JOHNS DRI TO RURAL/SILVICULTURE FOR PARCEL NO. 027870-0050; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(08/09/05 - 12 - 11:45 a.m.)

5. PUBLIC HEARING - PUD 2004-33 SHORES COMMERCIAL PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE 24.26 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT TO PROVIDE FOR A SINGLE USE COMMERCIAL PLANNED UNIT DEVELOPMENT CONSISTING OF 100,000 SQUARE FEET OF SHOPPING CENTER SPACE. THE SITE IS LOCATED ON THE WEST SIDE OF US 1 SOUTH, ACROSS FROM SHORES BOULEVARD, SOUTH OF WATSON ROAD. THE SITE CONTAINS APPROXIMATELY 9.43 ACRES OF WETLANDS, WITH 2.49 ACRES OF WETLAND IMPACTS. TOTAL WETLAND PRESERVATION EQUALS 6.94 ACRES. THE DEVELOPMENT REGULATIONS ARE PROPOSED FOR 100,000 SQUARE FEET OF COMMERCIAL SPACE WITH AN IMPERVIOUS SURFACE RATIO OF 75%. THE FLOOR TO AREA (FAR) IS LIMITED TO 50%. PROPOSED ALLOWABLE USES GENERALLY INCLUDE NEIGHBORHOOD BUSINESS AND COMMERCIAL, GENERAL BUSINESS AND COMMERCIAL, HIGHWAY COMMERCIAL USES, AND HIGH INTENSITY COMMERCIAL USES. A TWENTY (20) FOOT SETBACK FOR BUILDINGS AND PARKING AREAS WILL BE PROVIDED ALONG AREAS ADJACENT TO ROAD RIGHT-OF-WAYS AND RESIDENTIAL USES. HEIGHT IS LIMITED TO THIRTY-FIVE (35) FEET. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MAY 5, 2005 HEARING BY A VOTE OF 6/0, PROVIDING TWO ADDITIONAL FINDINGS OF FACT: 8) DESIGNATE THE UPLAND AREA ALONG THE WESTERN BOUNDARY AS CONSERVATION AND PROHIBIT LOGGING OR TIMBERING ACTIVITY, AND 9) MAXIMIZE THE BUFFER AREA THROUGH A RECALCULATION OF THE AVERAGING PROVISIONS. THE APPLICANT WORKED WITH ENVIRONMENTAL PLANNING STAFF TO ADDRESS THE TWO ADDITIONAL FINDINGS OF FACT. THE MASTER DEVELOPMENT PLAN TEXT AND MAP HAVE BEEN REVISED ACCORDINGLY. THE OUTSTANDING ISSUES, PRESENTED TO THE PLANNING AND ZONING AGENCY HAVE BEEN RESOLVED

Proof of publication of the notice of public hearing on PUD 2004-33, Shores Commercial PUD, was received, having been published in *The St. Augustine Record* on July 25, 2005.

(11:45 a.m.) Stevenson disclosed ex-parte with Staff and with Anne Shay at Rogers Towers regarding the maps. (11:45 a.m.) Rich stated that he had had many discussions with staff.

(11:46 a.m.) Lindsay Haga, Planning Department, said there was no new information. She noted that the PUD application did contain a waiver request. Maguire asked if they were going to lose their tree ordinance or if they would be impacting it at all as a result of the waiver request. Haga responded that it was for the building setback, not the buffer. (11:46 a.m.) Rich commented said he had looked at the proposed job site from every possible angle and it was directly across from the south exit of the Shores Development. He expressed concern about the traffic safety issue there, and noted that in the last year alone there had been 11 accidents reported at that intersection. He noted that there was a high density of elderly residing in the Shores. (11:49 a.m.) Patrick McCormack, Assistant County Attorney, said the intersection was to be signalized by FDOT. Rich said that would eliminate his concerns. (11:50 a.m.) Chuck Kohler, Development Review Chief Engineer, said the signal was currently under design and there was probably a 12 to 18 month installation and the project had been funded. Rich asked if there was any attempt being made to reduce the traffic speed. Kohler said he did not know. (11:52 a.m.) Joe Stephenson, Public Works Director, reminded the Board that this was a PUD, and as such, the Board had the right to impose requirements upon the development. He said they could require the developer to have the signal on line prior to development. (11:53 a.m.) Stern stated that she shared his concerns, and noted there was also an elementary school that used that roadway. (11:54 a.m.) Stevenson said it was a dangerous intersection 20 years ago and she would support it as a pre-existing condition.

(11:55 a.m.) George McClure, 170 Malaga St., on behalf of the applicant, said they would agree to that condition and would amend the PUD language to include the request: "No certificate of occupancy for any structure will be issued until the traffic signal is installed." He commented further that they were providing for interconnectivity. He said they had also included language that included a 25-foot buffer, as well as a 25-foot building setback. He said they had set aside a conservation area adjacent to their neighbors to the west, where there would be no timbering. (11:58 a.m.) Rich questioned various objects on the map and asked if part of it was considered linear strip commercial development. McClure responded they did not think it would be a strip because the areas were buffered along both the perimeter of the project and the road frontage of the project. (12:01 p.m.) Haga responded that she agreed with McClure's statements, and that it was not linear strip commercial development because interconnectivity was a good function. Rich asked if the commercial activity meshed well with the surrounding residential community. Haga responded that it did. She reviewed the aerial maps and zoning maps. Rich challenged the mix of residential and commercial and said it needed to be meshed with the entire corridor from Wildwood Drive to CR 206. (12:10 p.m.) Stevenson said she shared Rich's concerns about compatibility issues, and would like to discuss the legitimate public purpose and compatibility issues. (12:12 p.m.) Bryant said it was designated mixed use and that land use took precedence over zoning.

(12:12 p.m.) McClure said that buffering had been provided. He noted that the Shores was huge, around 4,000 acres, and navigating from the north entrance to the Shores across the street to the Publix was difficult because of the offset. He said they had designed the current project to prevent that problem. He stated that they had complied with all the goals and objectives of the plan and they were concurrent.

(12:15 p.m.) McCormack said he had reviewed the project and asked McClure to clarify commercial development designed as a 100,000 square foot shopping center. McClure

responded they would be in the commercial general, retail, office uses categories and would be supportive of the surrounding residential uses. He said the 100,000 square feet was the ceiling. (12:17 p.m.) Rich asked if there was a way to put a good neighbor clause in the plan, and said he was counting on them to do that. McClure said his client was a long time resident of the county, and had much incentive to make sure it was implemented as well as portrayed.

(12:18 p.m.) Barrie Higgins, 902 San Remo Rd., St. Augustine Shores, said the idea of a frontage road was good because it added to safety. She said it reflected mixed use and mixed connectivity, and they needed bike paths and to make it a walkable community with trees and shade. She stated the Shores could use the amenities, there was a strong chance it would become a town center for them, and asked them to take into consideration how children would access it.

(12:21 p.m.) Rich asked McClure how kids would get safely across US 1. McClure acknowledged that it was not a pedestrian friendly road, and if the speed limit was lowered it would facility their crossing. He said they were providing for interconnectivity on their side of the road. (12:28 p.m.) Stevenson asked if there was any chance to extend sidewalks along Shores Blvd. and to ask DOT to stripe it so it would be a cross walk.

(12:29 p.m.) Darryl Locklear, County Engineer, said they could make it a requirement for the developer.

(12:32 p.m.) Dan Bosanko, County Attorney, said the problem with making it a requirement was that it was an unknown quantity, and the second problem was that they would have to show that the sidewalk was needed in order to make it a requirement. (12:33 p.m.) In response, McClure said they would propose a contribution of \$10,000 to the County Sidewalk Fund for application to whatever sidewalk they wished to build.

(12:34 p.m.) **Motion by Bryant, seconded by Stern, to enact Ordinance 2005-69, known as PUD 2004-33, Shores Commercial PUD, adopting findings of fact 1 through 7 to support the motion, with the addition of the \$10,000 donation into the sidewalk fund and signalization completion before a Certificate of Occupancy was issued.** Discussion ensued. (12:36 p.m.) **The motion carried 5/0.**

ORDINANCE NO. 2005-69

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

Meeting recessed at 12:36 p.m. and reconvened at 1:30 p.m. with Maguire, Bryant, Rich, Stern, Stevenson, Adams, McCormack and Deputy Clerk Lenora Newsome present.

The meeting started with Item 7.

(08/09/05 - 15 - 1:47 p.m.)

6. PUBLIC HEARING - PRD 2005-01, WESTCHESTER - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 375.1 ACRES LOCATED IN SOUTHWESTERN ST. JOHNS COUNTY ALONG STATE ROAD 207, NORTHEAST OF COUNTY ROAD 305, FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF FIFTY SIX (56) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 85%/15% RULE FOR DENSITY. THE DEVELOPMENT AREA EQUALS 56.27 ACRES AND THE RESERVE AREA EQUALS 318.83 ACRES. LOTS WILL RANGE FROM TWO-AND-ONE-HALF (2 1/2) ACRES IN SIZE TO 8 ACRES IN SIZE AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE APPROXIMATELY a ½ ACRE IN SIZE. THE PLANNING AND ZONING COMMISSION UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JUNE 2, 2005 HEARING

Proof of publication of the notice of public hearing on PRD-2005-01, Westchester, was received, having been published in *The St. Augustine Record* on July 25, 2005.

Bruce Ford, Chief Planner, mentioned that the PZA unanimously voted to approve this item. He reported two changes: the ordinance, and the Master Development Plan. Maguire questioned the waiver on sidewalks. Ford responded that Staff did not support the waiver on sidewalks.

(1:50 p.m.) Karen Taylor, 3070 Harbor Drive, explained the sidewalk issue. She spoke on the property utilizing several maps (Exhibit A). Maguire asked if the additional two feet on one side of the road was adequate enough for safe bicycling. (1:57 p.m.) Teresa Bishop, Planning Director, replied that she didn't believe that two feet would be adequate for safe bicycling. (1:57 p.m.) Scott Clem, Assistant County Administrator, stated that they would not promote bicycle riding on a two-foot shoulder and recommended a four-foot shoulder minimum. Taylor mentioned that they were offering a four-foot shoulder on both sides. Stevenson asked about transportation and access for future projects, with Taylor responding.

(2:09 p.m.) Bill Cline, 5730 CR 305, voiced his objections, asking why there were no objections with the zero setbacks on all the property lines in the development area, and on the County's buffer requirements for wetlands. Maguire responded that they were not waiving any setback requirements, that they were already built into the PRD design. Ford stated that the buffer around the development area was the standard 50-foot minimum development area buffer, which was in the reserve area, but was a buffer where nothing was allowed. Taylor spoke on the zero setback issue and the buffer issue. She also spoke on wildlife habitat and the roadway system. Discussion followed on the PRD language. (2:33 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2005-71, known as PRD 2005-01, Westchester PRD, adopting Findings of Fact 1 through 5 to support the motion, with the additional two feet of paved shoulder on both sides of internal roadways and including the waiver.**

ORDINANCE NO. 2005-71

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

SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(08/09/05 - 16 - 1:31 p.m.)

7. PUBLIC HEARING - PUD 2004-31, SOLANO ROAD RETAIL CENTER PUD - THIS REQUEST SEEKS TO REZONE APPROXIMATELY .57 ACRES LOCATED SOUTH OF SOLANO ROAD, WEST OF A1A TO EXPAND AN EXISTING SHOPPING CENTER BY 1,000 SQUARE FEET TO BE ADDED TO THE EXISTING BUILDINGS WEST END. THE PROJECT IS LOCATED IN THE COMMERCIAL LAND USE CATEGORY. THE EXISTING 10 FOOT BUFFER ADJACENT TO SOLANO ROAD WILL BE ENHANCED WITH LANDSCAPING AND THE BUILDING FAÇADE WILL BE UPDATED AND ENHANCED PURSUANT TO REVIEW AND APPROVED BY THE PONTE VEDRA/PALM VALLEY ARCHITECTURAL REVIEW COMMITTEE. NO OTHER CHANGES ARE PROPOSED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR APRIL 21, 2005 HEARING BY A VOTE OF 6 TO 0

Proof of publication of the notice of public hearing on PUD 2004-31, Solano Road Retail Center PUD, was received, having been published in *The St. Augustine Record* on July 25, 2005.

Maguire recused himself from this item because he lived behind the building (Exhibit A). Bruce Ford, Chief Planner, stated there were no changes. Maguire questioned the existing building going in size from 170 feet to 190 feet and asked Staff if they supported a 190-foot building. Ford responded that they would have to look at it because it exceeded the overlay maximum building length. Discussion followed on Maguire taking part in the discussion since he recused himself. Stevenson asked Maguire to share his observations of the area. Maguire responded.

(1:38 p.m.) Greg Kupperman, 200 First Street, Suite B, Neptune Beach, the applicant, addressed the comment about the length of the building. Discussion followed on the setbacks. Adjacent Property Response forms were handed in (Exhibit B). (1:43 p.m.) **Motion by Stern, seconded by Rich, carried 4/0 with Maguire recusing himself, to enact Ordinance No. 2005-70, known as PUD 2004-31, Solano Road Retail Center PUD, adopting Findings of Fact 1 through 7 and including waivers 1 through 6 to support the motion.**

ORDINANCE NO. 2005-70

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

(08/09/05 - 16 - 1:44 p.m.)

8. PUBLIC HEARING - RESOLUTION CREATING THE PONTE VEDRA VACUUM (PHASE II) ASSESSMENT AREA AND NON-AD VALOREM ASSESSMENT ROLL - ON SEPTEMBER 25TH 2002, THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ENACTED ORDINANCE #2002-55 PROVIDING FOR THE CREATION OF ASSESSMENTS AND AUTHORIZING THE IMPOSITION OF A SPECIAL ASSESSMENT TO FUND THE

CONSTRUCTION OF THE PONTE VEDRA VACUUM SEWER PROJECT. RESOLUTION #2005-192 (INITIAL ASSESSMENT RESOLUTION) PROPOSED CREATION OF THE PONTE VEDRA VACUUM SEWER (PHASE II) ASSESSMENT AND SET A PUBLIC HEARING DATE OF AUGUST 9, 2005. COUNTY STAFF HAS ATTACHED AS APPENDIX A TO TODAY'S RESOLUTION, PROOF OF ADVERTISING FOR THE AUGUST 9, 2005 PUBLIC HEARING IN THE LOCAL NEWSPAPER OF RECORD AND HAS ALSO INCLUDED IN THE RESOLUTION AS APPENDIX B, AN AFFIDAVIT PROVIDING THAT NOTICES OF THE PUBLIC HEARING WERE MAILED TO EACH OF THE PROPERTY OWNERS, GRANTING THEM AN OPPORTUNITY TO BE HEARD DURING THE HEARING. WITHIN THE PROPOSED FINAL ASSESSMENT RESOLUTION ARE THE FOLLOWING: (A.) THE FINAL RESOLUTION IS PREPARED PURSUANT TO THE COUNTY ORDINANCE #2002-55, CHAPTER 125, FLORIDA STATUTES, (B.) THE NEWLY ASSESSED PROPERTY IS IDENTIFIED AND ATTACHED IN APPENDIX D; (C.) TAX PARCELS DESCRIBED IN THE ASSESSMENT ROLL WILL BENEFIT BY THE CONSTRUCTION OF THE WASTEWATER VACUUM SYSTEM, (D.) METHODOLOGY FOR COMPUTING THE ANNUAL ASSESSMENT IN THE AMOUNT OF A MAXIMUM ANNUAL RATE OF \$752.72 PER EQUIVALENT RESIDENTIAL CONNECTION (ERC) FOR A PERIOD OF 18 YEARS, COMMENCING IN NOV. 2005; (E.) THE RESULTING INITIAL PREPAYMENT AMOUNT IS \$9,315.00 PER ERC; (F.) APPENDIX C UPON APPROVAL OF THE FINAL ASSESSMENT A LETTER WILL BE MAILED TO THE NEWLY ESTABLISHED ASSESSMENT CUSTOMERS OFFERING THE OPPORTUNITY TO PREPAY THE ASSESSMENT IN FULL TO AVOID AN ANNUAL ASSESSMENT AND ANY INTEREST CHARGES. THE FOLLOWING PROPERTY IS INCLUDED IN THE PHASE II PONTE VEDRA VACUUM ASSESSMENT ROLL: 55 SOLANO ROAD, LOT 4, BLOCK 4 (HARRIGAN & MCCORY); 463 GOLF VIEW CIRCLE, LOT 40, BLOCK 2 (CREAVY); 8 SAN DIEGO ROAD (ARNOLD)

Proof of publication of the notice of public hearing on the assessment of Ponte Vedra wastewater was received, having been published in *The St. Augustine Record* on July 21, 2005.

John Schwab, Special Projects Manager, stated that this item was a resolution allowing for an additional assessment of three residential units within the Vacuum Sewer Project in Ponte Vedra. (1:44 p.m.) Bosanko entered the meeting. (1:46 p.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2005-209 for the purpose of adding three additional non-ad valorem assessments to the Phase II Ponte Vedra Vacuum Sewer Project, 55 Solano Road, Lot 4, Block 4 (Harrigan & McCory); 463 Golf View Circle, Lot 40, Block 2 (Creavy); and 8 San Diego Road (Arnold).**

RESOLUTION NO. 2005-209

A RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION FACILITIES; CREATING THE PONTE VEDRA WASTEWATER (PHASE II) ASSESSMENT AREA; IMPOSING SPECIAL ASSESSMENTS AND ESTABLISHING THE MAXIMUM ANNUAL AMOUNT FOR EACH EQUIVALENT RESIDENTIAL CONNECTION; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; REQUIRING THE COUNTY

COORDINATOR TO PERFORM TASKS THAT ARE SET FORTH IN SECTIONS 9 AND 10 HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADJUSTMENTS TO THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE

The meeting returned to Item 6.

(08/09/05 - 18 - 2:34 p.m.)

9. PUBLIC HEARING - PUD 2005-04, SOUTHSORE PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.06 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) CONSISTING OF A 9,750 SQUARE FOOT PROFESSIONAL OFFICE SPACE WITH A CENTRAL COURTYARD. THE SITE IS LOCATED APPROXIMATELY ONE MILE EAST OF U.S. 1 ON THE SOUTH SIDE OF S.R. 206. THE PLAN PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO S.R. 206. THE MASTER DEVELOPMENT PLAN INCLUDES THE PROVISION OF FOUR (4) FOOT SIDEWALKS ALONG THE NORTH AND WEST SIDES OF THE PLAZA ADJACENT TO THE ONSITE PARKING AREAS. THE MASTER DEVELOPMENT PLAN ALSO INCLUDES 14,000 SQUARE FEET OF OPEN SPACE, CONSISTING OF PERIMETER BUFFERS AND COMMON AREAS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 30% OF THE PROJECT SITE. CENTRAL WATER AND SEWER WILL BE PROVIDED ST. JOHNS COUNTY UTILITIES. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: RESIDENTIAL, SINGLE FAMILY 2 (RS-2) AND OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JUNE 2, 2005 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on PUD 2005-04, Southshore PUD, was received, having been published in *The St. Augustine Record* on July 25, 2005.

Bruce Ford, Chief Planner, stated that there were no changes. Rich asked why they were doing a PUD change and Ford responded that the Comprehensive Plan required that it be rezoned to PUD when it's a Residential B land use category.

(2:35 p.m.) Karen Taylor, 3070 Harbor Drive, spoke on the property, utilizing maps (Exhibit A). Adjacent Property Response forms were handed in (Exhibit B). (2:42 p.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2005-72, known as PUD 2005-04, Southshore Plaza PUD, adopting Findings of Fact 1 through 7 to support the motion.**

ORDINANCE NO. 2005-72

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

(08/09/05 - 18 - 2:42 p.m.)

10. PUBLIC HEARING - PUD 2005-10, VILLAGES OF VALENCIA PLANNED UNIT DEVELOPMENT - CAMELOT VILLAGE PUD WAS APPROVED IN 1997 AND LOCATED AT U.S. 1 AND WATSON ROAD WITH 11.33 ACRES OF COMMERCIAL AND 28.77 ACRES OF SINGLE FAMILY (80 UNITS). THIS

REQUEST SEEKS TO CHANGE THE NAME TO VILLAGES OF VALENCIA, ADD APPROXIMATELY 204 ACRES AND 548 DWELLING UNITS TO THE PUD AND REZONE THE ENTIRE 240 ACRES FROM OPEN RURAL AND PLANNED UNIT DEVELOPMENT (PUD) TO PLANNED UNIT DEVELOPMENT. THE ADDED LANDS ARE LOCATED EAST OF U.S. 1 AND NORTH OF THE PROPOSED WATSON ROAD EXTENSION. THE 548 ADDED DWELLING UNITS INCLUDE 173 SINGLE FAMILY, 305 TOWNHOMES, AND 70 DUPLEX UNITS. THE PLAN PROPOSES A SINGLE VEHICULAR ACCESS POINT FROM WATSON ROAD. ADDITIONAL VEHICULAR ACCESS WILL BE PROVIDED TO THE EXISTING TURTLE CROSSING PUD IN ST. AUGUSTINE SHORES, VIA CONNECTION TO CARETTA CIRCLE, WHICH IS CURRENTLY STUBBED OUT. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF FIVE (5) FOOT SIDEWALKS ALONG BOTH SIDES OF WATSON ROAD, AS WELL AS ALONG ONE OR BOTH SIDES OF ALL INTERNAL ROADS. THE DEVELOPMENT PROGRAM ALSO PROPOSES 92.34 ACRES OF OPEN SPACE FOR THE ADDED LANDS CONSISTING OF PRESERVED WETLANDS, BUFFERS, AND RECREATION AREAS INCLUDING SOCCER FIELDS, BASKETBALL COURTS, MULTI-PURPOSE FIELDS, PICNIC AREA AND NATURE TRAILS, TOT LOTS AND A SWIMMING POOL WITH CLUBHOUSE. THIS REPRESENTS A RESERVATION OF 45.2% OF THE SITE AS OPEN SPACE. THE EXISTING PUD ALREADY MEETS THE MINIMUM 25% OPEN SPACE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 7, 2005 HEARING BY A VOTE OF 5 TO 1

Proof of publication of the notice of public hearing on PUD 2005-10, Villages of Valencia PUD, was received, having been published in *The St. Augustine Record* on June 22, 2005.

Bruce Ford, Chief Planner, mentioned that Mr. Manuel was the one vote in objection to this approval. There was a request from the residents in Captain's Pointe regarding placing a speed bump on Viscaya Blvd. with a connection through there (Exhibit A, maps, B and C, letters). Maguire asked what the justification was for cutting the commercial in half. (2:44 p.m.) George McClure, attorney for the applicant, responded that the site was not configured well for the quantity of commercial on the site and that they had little demand for it. Stern asked about the interconnectivity and Ford spoke on it. Discussion followed on the resident's concerns regarding traffic flow and speed bumps. (2:52 p.m.) Joe Stephenson, Public Works Director, spoke on getting a consultant under contract to do a traffic calming policy.

(2:53 p.m.) George McClure, 170 Malaga Street, spoke on not developing the development any farther than it already was, having a community meeting, having connectivity, and the site plan (Exhibit D). He stated that it was consistent with the Comp Plan and that there were no waivers. Discussion followed on OR zoning and concurrency review.

The meeting recessed at 3:17 p.m. and reconvened at 3:29 p.m., with discussion followed regarding the roadway, access to the property, and density.

(3:40 p.m.) John Sorady, 859 Viscaya Blvd., commented in opposition to the project.

(3:43 p.m.) John Prichard, 715 Viscaya Blvd., expressed concerns with density, access roads and schools.

(3:46 p.m.) Michael Smith, 8401 S.R. 207, Hastings, commented in favor of the project.

(3:48 p.m.) Dirk Schroeder, 831 Rita Circle, commented in favor of the project.

(3:51 p.m.) Barrie Higgins, 902 San Remo Road, commented in opposition to the project.

Discussion followed regarding the access road, overcrowding of current schools in the area, and density of the project.

(4:05 p.m.) *Motion by Rich, seconded by Stevenson, to deny the rezoning application for PUD 2005-10, adopting findings of fact to support the motion that the proposed multifamily residential units are not compatible or consistent with the adjoining development causing an adverse affect on the adjacent single family homeowners.*

Discussion followed on the density, and the future land use designation.

(4:16 p.m.) *Stevenson proposed an amendment to the motion: density and concern for the health, safety and welfare of the neighboring community for transportation.* (4:18 p.m.) *Rich withdrew his original motion and the second accepted.* (4:26 p.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to table this until the next meeting.**

(08/09/05 - 20- 4:26 p.m.)

11. PUBLIC HEARING - REZ 2005-06 DUVALPILOT EQUIPMENT OUTFITTERS REZONING - THIS IS A REQUEST TO REZONE 2.50 ACRES FROM OPEN RURAL (OR) AND PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL INTENSIVE (CI) TO ALLOW FOR THE CONTINUED USE FOR THE EXISTING DUVALPILOT EQUIPMENT OUTFITTERS 600 SQUARE FOOT SALES OFFICE AND 3,400 SQUARE FOOT BUILDING PREVIOUSLY USED FOR A CASTING PRODUCTION FACILITY, AS WELL AS ALLOW FOR CONSTRUCTION OF AN ADDITIONAL 6,500 SQUARE FEET OF OFFICE/WAREHOUSE SPACE AND OUTDOOR EQUIPMENT SALES DISPLAY AREA. THE PARCEL IS LOCATED ON THE EAST SIDE OF US 1 NORTH, JUST SOUTH OF PALM VALLEY RD AND IS IN THE MIXED USE (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE ST. JOHNS COUNTY UTILITY DEPARTMENT WILL PROVIDE WATER AND SEWER. ADJACENT ZONINGS ARE OPEN RURAL (OR), PLANNED SPECIAL DEVELOPMENT (PSD), AND PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 1 AT THEIR MAY 19, 2005 MEETING

Proof of publication of the notice of public hearing on REZ2005-06, Duvalpilot Equipment Outfitters Rezoning, was received, having been published in *The St. Augustine Record* on July 25, 2005.

Bruce Ford, Chief Planner, presented this item, and responded to questions regarding the rezoning request; i.e., the compatibility of Commercial Intensive zoning in close proximity to residential areas. (4:31 p.m.) Teresa Bishop, Planning Director, explained how the Land Development Code (LDC) addressed the incompatibility issue; discussion ensued.

(4:34 p.m.) Stevenson stated that when she went out to look at the property it had a "for sale" or "for rent" sign on it: She questioned the applicant's stated intent of the use of the property, and what the buffering requirements would be.

(4:36 p.m.) Karen Taylor, 3070 Harbor Dr., representing the applicant, explained the buffering requirements and the current zoning, displaying excerpts from the LDC. She

also spoke to the proposed uses of the property and the intensity of those uses; discussion ensued. Taylor stated that the applicant did not intend to sell the property, and the applicant, Mr. Kaye, confirmed that to be true. Rich commented on the allowable zonings and uses in Mixed Use Districts.

(4:51 p.m.) Motion by Rich to deny rezoning application REZ 2005-06, Duvalpilot Equipment Outfitters Rezoning, adopting the finding of fact to support the motion that this zoning change is not compatible with the adjacent OR and PUD zonings, in accordance with the Comprehensive Plan. The motion died for lack of a second.

(4:51 p.m.) **Motion by Maguire, seconded by Stern, to enact Ordinance No. 2005-73, known as REZ 2005-06, Duvalpilot Equipment Outfitters Rezoning, adopting findings of fact to support the motion.** Discussion ensued regarding buffer requirements and compatibility. (4:53 p.m.) **The motion carried 4/1, with Rich opposed.**

ORDINANCE NO. 2005-73

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) AND PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 4:53 p.m., and resumed at 5:05 p.m.

(08/09/05 - 21 - 5:05 p.m.)

12. PUBLIC HEARING - NZVAR 05-003, WHEELER LOT DIVISION - THE APPLICANT DESIRES TO SUBDIVIDE LOT 11 IN PALM VALLEY GARDENS, UNIT 5, WHICH THEY OWN, INTO TWO SEPARATE LOTS. THE EXISTING TWO-AND-ONE-HALF ACRE PARCEL WOULD BE DIVIDED INTO A ONE-AND-A-HALF, AND A ONE-ACRE PARCEL. TO ACHIEVE THIS, THE APPLICANT IS REQUESTING A VARIANCE FROM THE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 5.01.01.C3, WHICH RESTRICTS THE RE-DIVISION OR CHANGE IN THE CONFIGURATION OF ONE OR MORE LOTS WITHIN AN EXISTING PLATTED SUBDIVISION. THEY ARE ASKING FOR RELIEF FROM THE REQUIREMENT OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE SECTION 6.04.07B.2 TO PROVIDE A THIRTY-FOOT (30') ACCESS EASEMENT WITH TWENTY (20') STABILIZED SURFACE TO THE PROPOSED REAR ONE-AND-ONE-HALF ACRE PIECE. THEY PROPOSE FIFTEEN-FEET (15') WITH STABILIZED ACCESS INSTEAD

Proof of publication of the notice of public hearing on NZVAR 05-003, Wheeler Lot Division, was received, having been published in *The St. Augustine Record* on July 25, 2005.

Chuck Kohler, Development Review Chief Engineer, presented this item, explaining that the applicant was requesting to divide a two-and-a-half acre parcel into two separate parcels, a one-acre and a one-and-a-half acre parcel. He further explained the waivers that the Wheelers requested and the drainage concerns.

(5:08 p.m.) Maguire stated that he was also concerned about drainage, and that he would need assurances that the proposed 15-foot access easement was adequate for access by emergency vehicles.

(5:10 p.m.) John Wheeler, 13 S. Wilderness Trail, Palm Valley, explained that there were no wetlands at the back of the lot, that drainage ditches had already been dug along the north and south property lines, and that the easement road base was lime rock and gravel. (5:12 p.m.) Joe Stephenson, Public Works Director, addressed the easement road. Kohler explained that drainage would be addressed during the clearance sheet process.

(5:14 p.m.) Stevenson questioned whose responsibility it would be to maintain the road. Dan Bosanko, County Attorney, explained that there were no maintenance requirements, unless special arrangements were made. He recommended adding a stipulation regarding maintenance of the easement.

(5:17 p.m.) Motion by Maguire, seconded by Rich, carried 5/0, to approve NZVAR 2005-003, based upon the evidence provided for all five findings of fact in the staff report, to include a restriction in a form acceptable to the County Attorney referencing the maintenance of the easement.

[\(08/09/05 - 22 - 5:17 p.m.\)](#)

13. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE CONVEYANCE OF FIFTEEN PARCELS OF COUNTY OWNED PROPERTY ACQUIRED BY TAX DEED TO THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO BE ADDED TO THE AFFORDABLE HOUSING INVENTORY

Proof of publication of the notice of public hearing on the conveyance of parcels to be used for affordable housing was received, having been published in *The St. Augustine Record* on July 27, 2005.

Nanette Bradbury, Real Estate Coordinator, presented this item.

(5:18 p.m.) Motion by Stern, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2005-210, authorizing the conveyance of 15 parcels of County owned property acquired by tax deed to the St. Johns County Community Redevelopment Agency to be added to the affordable housing inventory.

RESOLUTION NO. 2005-210

RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AUTHORIZING THE CONVEYANCE OF FIFTEEN PARCELS OF COUNTY OWNED PROPERTY ACQUIRED BY TAX DEED TO ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO BE ADDED TO THE AFFORDABLE HOUSING PROGRAM INVENTORY

[\(08/09/05 - 22 - 5:18 p.m.\)](#)

14. CONSIDER APPOINTMENTS TO THE WATER AND SEWER AUTHORITY

Melissa Lundquist, Administrative Coordinator, presented this item.

Motion by Maguire, seconded by Bryant, carried 5/0, to appoint Terry Allan to the Water and Sewer Authority for a full four-year term, scheduled to expire August 9, 2009.

Motion by Stevenson, seconded by Stern, carried 5/0, to appoint David Valentine to the Water and Sewer Authority for a full four-year term, scheduled to expire August 9, 2009.

Motion by Stern, seconded by Bryant, carried 5/0, to appoint Edward Kearney to the Water and Sewer Authority for a partial term, scheduled to expire July 24, 2008.

(08/09/05 - 23 - 5:21 p.m.)

15. CONSIDER APPOINTMENTS TO THE HISTORIC RESOURCE REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, presented this item. Maguire discussed the current district representation on the Board.

Motion by Stern, seconded by Maguire, carried 5/0, to appoint Walter O’Kon to the Historic Resource Review Board for a full four-year term, scheduled to expire August 9, 2009.

Motion by Rich, seconded by Bryant, carried 5/0, to appoint Donald Reis to the Historic Resource Review Board for a partial term, scheduled to expire May 18, 2008.

(08/09/05 - 23 - 5:26 p.m.)

16. CONSIDER AN APPOINTMENT TO THE FIRST COAST MPO CITIZENS ADVISORY COMMITTEE

Melissa Lundquist, Administrative Coordinator, presented this item. Maguire stated that he supported Rachael Bennett for this appointment.

Motion by Maguire to appoint Rachael Bennett to the First Coast MPO Citizens Advisory Committee for a four-year term. Motion died for lack of a second.

Motion by Stevenson, seconded by Rich, carried 4/1 with Maguire opposed, to appoint Albert Abbatiello to the First Coast MPO Citizens Advisory Committee for a four-year term.

(08/09/05 - 23 - 5:30 p.m.)

17. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE TRANSFER OF ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PERMIT 4-109-21573-2 TO THE ST. MARKS DEVELOPMENT AUTHORITY, INC.

Maguire recused himself from this item as this action was transferring ownership of the permit to his family’s corporation.

Dan Bosanko, County Attorney, and Darrell Locklear, County Engineer, explained the need to transfer ownership of the Water Management District’s permit for the drainage ponds to another party; discussion ensued. Bosanko stated that the County might later request that the pond be surplused and he discussed the need for future easements. (5:45 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Maguire recused, to authorize the County Administrator to execute the transfer of St. Johns Water Management District Permit 4-109-21573-2 to St. Marks Development Authority, Inc.**

(08/09/05 - 24 - 5:46 p.m.)

18. PUBLIC HEARING - SUMMER HAVEN; TEMPORARY MORATORIUM ON BUILDING PERMITS - ON MAY 4, 2005, THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DIRECTED COUNTY STAFF TO CEASE APPROVALS OF BUILDING PERMITS FOR THE AREA DESCRIBED AS SUMMER HAVEN (BLOCKS 3 THROUGH 65), AND ON JUNE 6, 2005, THE BOARD DIRECTED STAFF TO RESEARCH ENGINEERING AND CONSTRUCTION FINANCING OPTIONS AND TO PREPARE A BUILDING PERMIT MORATORIUM ORDINANCE FOR THE SUBJECT AREA. THE MORATORIUM SHALL REMAIN IN EFFECT UNTIL THE COUNTY RECEIVES AND IMPLEMENTS A SUMMER HAVEN INFRASTRUCTURE FINANCING PLAN, AND INFRASTRUCTURE REASONABLY REQUIRED TO MEET THE HEALTH, SAFETY AND WELFARE OF THE SUBJECT AREA TO THE REASONABLE SATISFACTION OF THE COUNTY ENGINEER IS IN PLACE, BY NO LATER THAN MIDNIGHT ON SEPTEMBER 8, 2006, WITH THE PROVISIO THAT THE BOARD, SHALL BY ORDINANCE(S), TERMINATE ALL OR PORTIONS OF THE MORATORIUM AT SUCH SOONER TIME(S) AS THE BOARD DETERMINES THAT THE PUBLIC NEED FOR A MORATORIUM ON SUCH PORTION(S) NO LONGER EXISTS; AND THE PROVISIO THAT THIS MORATORIUM MAY BE EXTENDED BY ORDINANCE IF REASONABLY REQUIRED TO MEET THE HEALTH, SAFETY AND WELFARE OF THE SUBJECT AREA. THE AUGUST 9, 2005 FIRST READING OF THIS ORDINANCE IS INTENDED TO BE A BRIEF INFORMATIONAL PRESENTATION. THE SECOND PUBLIC HEARING (DATE TBD) WILL BE HELD AFTER 5:00 P.M., AND WILL BE IN CONJUNCTION WITH A DISCUSSION OF FINANCING OPTIONS

Proof of publication of the notice of public hearing on the moratorium on building permits in Summer Haven was received, having been published in *The St. Augustine Record* on August 2, 2005.

Kimberly Sutton, Court Reporter, was present for this hearing.

Patrick McCormack and Laura Barrow, from the County Attorney's Office, explained that this item was brought before the Board, at its request, to finalize the imposition of a building permit moratorium in Summer Haven. McCormack stated that financing options for infrastructure improvements would be presented at the second public hearing, and that the moratorium would not include repair or remodeling permits to existing structures. Discussion ensued on the length of the moratorium and the date of the second public hearing: It was tentatively set for September 13, 2005, at 5:30 p.m.

(08/09/05 - 24 - 5:54 p.m.)

- 18a. MOTION TO DECLARE AN INCREASE IN THE DESIGN-BUILD CONTRACT WITH PBS&J (SUMMER HAVEN DAMAGE ASSESSMENT AND RESTORATION - HURRICANE JEANNE) TO EXPEND THE REQUIRED FUNDS UP TO A MAXIMUM AMOUNT OF \$1,149,848 COUNTY MATCHING FUNDS OR UNTIL PROJECT COMPLETION, WHICHEVER OCCURS FIRST (*Formerly Consent Item 14*)

Kimberly Sutton, Court Reporter, was present for this hearing.

Joe Stephenson, Public Works Director, discussed the details of this item, explaining that additional funds were needed for more sand than was originally anticipated due to a change in the condition of the berm. Stern stated that due to the seriousness of the issues at Summer Haven, the Board should look at and study this in more depth; discussion ensued. (6:01 p.m.) Laura Barrow, Assistant County Attorney, explained that

the current FEMA project would not ensure access by rescue vehicles, but would only restore the area to pre-hurricane Jeanne conditions.

(6:04 p.m.) Motion by Stern, seconded by Bryant, carried 5/0, to declare an increase in the design-build contract with PBS&J to expend the required funds up to a maximum amount of \$1,149,848, county matching funds, or until project completion, whichever occurs first.

(08/09/05 – 25 – 6:04 p.m.)

18b. MOTION TO ACCEPT THE INSURANCE REQUIREMENTS POLICY, EFFECTIVE JANUARY 1, 2006 *(Formerly Consent Item 3)*

Commissioner Rich questioned whom the new policy would or would not include. Dan Bosanko, County Attorney, explained that anybody who used County property, with alcohol involved, would have to have the required insurance policy. Rich recommend that the wording in the last sentence of paragraph A of the policy be changed to: "Liquor liability insurance will be required for all applicants." Bosanko agreed.

(6:12 p.m.) Motion by Rich, seconded by Bryant, carried 5/0, to accept the insurance requirements policy, effective January 1, 2006, as recommended to be amended by legal counsel.

(08/09/05 – 25 – 6:13 p.m.)

19. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO INITIATE NEGOTIATIONS REGARDING THE COUNTY'S ACQUISITION OF PRIVATE UTILITIES IN NORTHEAST ST. JOHNS COUNTY

Commissioner Bryant stated that it was time for the Board to set a policy and direct the County Administrator to begin talks with the public and private utilities in the northeast part of the county regarding acquisition. He stated that they needed to set a long-range planning policy for utilities in the northeast. He would not support just acquiring one utility, but would support the County acquiring all of the utilities for uniformity in rate setting and an increased level of service. He also felt that if the County acquired all of the utilities, it would create an opportunity for treatment plant consolidation.

(6:16 p.m.) Maguire agreed that the acquisition of one system did not make sense, and that consolidation would make for greater capabilities for bonding and rate control.

(6:17 p.m.) Rich displayed the map from the agenda packet for this item and addressed expandability. He suggested that the County Administrator try to regain the water certificates for Nocatee from JEA.

(6:21 p.m.) Dan Bosanko, County Attorney, cautioned the Board against possibly creating a conflict with these discussions.

(6:23 p.m.) Bryant stated that he would like a report, on a monthly basis, on the progression of the talks. Discussion ensued on expandability and quality of service.

(6:25 p.m.) Stern stated that she was concerned with looking at acquiring other utilities on the eve on the 125 hearings for St. Johns Service Company. She also spoke on the areas in the unincorporated areas served by the City of St. Augustine. Maguire addressed the current attitude of the Board on this subject and the financial position of the County.

(6:29 p.m.) Motion by Bryant to authorize the County Administrator, or his designee, to initiate discussions with the public and private utilities in the northeast, as previously named, with the intent of the County eventually acquiring these utilities, and have the Administrator report back on a periodic basis, at least every two to four weeks, to see if there is any interest from the utilities to sell to the County. Maguire seconded the motion, adding a request that the first report from Mr. Adams be presented no later than the 125 hearing. Discussion ensued. (6:32 p.m.) The motion carried 4/1, with Rich dissenting.

(08/09/05 - 26 - 6:33 p.m.)

CLERK OF COURT'S REPORT

Cheryl Strickland, Clerk of Courts, reported that the County did not qualify to enact the ordinance they were pursuing for additional monies on court costs. She has found out that only four counties in the state qualified to get the funds. She also addressed impact fee payment plans for low-income families, stating that the old plan would not work due to the increase in the fees. She would be working with Social Services for a recommendation to bring back to the Board.

Dan Bosanko requested permission for his office to work with the Clerk of Courts on developing the new program. *Permission was granted by consensus.*

(08/09/05 - 26 - 6:37 p.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant

Bryant addressed the floating dock concrete plant in Elkton not being in compliance with their rezoning ordinance. Adams said that he would look into it.

Bryant commented on the Vilano Lighting District. He asked Bosanko to elaborate. Bosanko stated that the residents of Comachee Cove have been being assessed in the Vilano Lighting District, however they had been paying their own lighting service for the past 37 years. He requested permission to have a County representative and a Commissioner go over and meet with a representative of the homeowners associations to offer a payback plan. Bryant said he would represent the Commission.

(6:42 p.m.)

Commissioner Maguire

Maguire reported that he would like to set up an exchange student day; asked Adams to contact each commissioner regarding purchasing lots in Summer Haven; and welcomed Mike Madigan, a new employee in GIS.

Maguire requested that the commissioners approach staff with their questions and issues prior to the meetings.

Maguire also addressed the St. Johns River Bridge crossing issue, stating that the Board still needed to make a recommendation to the MPO. He asked for a consensus to bring the item back up for discussion again; discussion ensued. Bryant suggested having the DOT come and give a presentation on the black route, once finalized.

(6:50 p.m.)

Commissioner Stern

Stern also addressed the out of compliance floating dock issue, stating that she would forward the information she had to Adams. She reported that she attended the Hastings Town Council meeting the previous night. Her primary goal in attending the

meeting was to bring back an interlocal agreement to repair the HVAC system at the library. She stated that they also discussed annexation, specifically the boundaries, and the collection of impact fees. She asked Adams to confirm that there were agreements for fire/rescue and law enforcement services. She also addressed a parcel of land, owned by the St. Johns River Water Management District, which was proposed to be annexed, and water connection fees for low-income residents.

(6:56 p.m.) Joe Stephenson, Public Works Director, addressed ownership and maintenance of the roads in Hastings.

(7:59 p.m.)

Commissioner Stevenson

Stevenson also addressed infrastructure financing for Hastings, and addressed the appointment of an impact fee task force, of which John Delany was Chair. She spoke to real estate transfer fees and commercial impact fees and discussion ensued with Scott Clem, Assistant County Administrator, commenting on a new study by the EDC.

Stevenson reported that she had written a letter to the to the Corp. addressing permits for Durbin Crossing and Aberdeen. She feared that the lack of proper permits could delay the construction of new schools. She encouraged the other Board members to do the same. She requested that this item be placed on the next joint meeting agenda with the school board.

(7:09 p.m.)

Commissioner Rich

Rich addressed Maguire's suggestion of getting with staff before meetings, and the timing of receiving his agenda book.

(08/09/05 - 27 - 7:11 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams commented on some successes of the GIS staff; the transition at the transfer station to Waste Management; temporary closings at the Palmo boat ramp for bulk heading; and two accidents involving Fire/Rescue vehicles.

(08/09/05 - 27 - 7:13 p.m.)

COUNTY ATTORNEY'S REPORT

Dan Bosanko, County Attorney, distributed two e-mails regarding the 125 hearings: one, from Mike Twomey, requesting information on time limits for public speakers; the other, from Bill Young, outlining a proposed agenda for the hearing. Discussion ensued on the agenda, and imposing time limits for public comment, with Michael Hunt, Deputy County Attorney, commenting.

(7:28 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to adjourn.**

With there being no further business to come before the Board, the meeting adjourned at 7:28 p.m.

REPORTS:

1. St. Johns County Check Register; approving check number 370386 through 370386, totaling \$23,054.59 (07/21/05)
2. St. Johns County Check Register; approving check number 370387 through 370415, totaling \$51,878.49 (07/21/05)

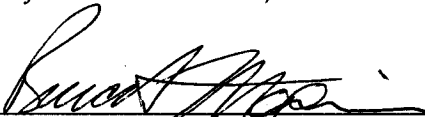
3. St. Johns County Check Register; approving check number 370416 through 371091, totaling \$4,269,561.03 (07/26/05)
4. St. Johns County Check Register; approving check number 371092 through 371093, totaling \$8,847.31 (07/28/05)

CORRESPONDENCE:

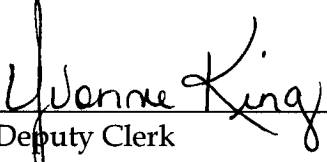
1. Attorney General's Opinion regarding the sale of private utility systems (06/06/05)
2. Letter to the Secretary of State filing Ordinances No. 2005-58 through 2005-66 (08/02/05)

Approved September 20, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

