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**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 6, 2005
(8:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 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
 Lenora Newsome, Deputy Clerk

(09/06/05 - 1 - 8:02 a.m.)

Maguire called the Special Private Attorney-Client Meeting to order.

(09/06/05 - 1 - 8:02 a.m.)

ROLL CALL

Maguire announced that all five Commissioners were present.

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 SURFRIDER FOUNDATION, ET AND ST. JOHNS COUNTY, ET AL., CASE NO.: CA 04-89, IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM A HAS BEEN RESERVED FOR THIS MEETING

Maguire announced the Special Private Attorney-Client Meeting regarding The Surfrider Foundation's lawsuit against St. Johns County. Bosanko stated that he needed advice concerning the lawsuit of The Surfrider Foundation, et al., versus St. Johns County, Case No. CA 04-89, in the Circuit Court, Seventh Judicial Circuit, in and for St. Johns County, Florida. Maguire announced that the following people would be attending the meeting: Bruce Maguire; James Bryant; Karen Stern; Cyndi Stevenson; Ben Rich; Ben Adams; Dan Bosanko, Esquire; Laura Lee Barrow, Esquire, special counsel to the Board; and Cathy Upchurch, Court Reporter.

The meeting recessed at 8:03 a.m. and reconvened at 8:58 a.m.

(8:58 a.m.) Maguire announced the termination of the Special Private Attorney-Client Meeting. **Motion by Rich, seconded by Bryant, carried 5/0, to close the Special Private Attorney-Client Meeting.**

(09/06/05 - 2 - 9:03 a.m.)

Maguire called the Regular Meeting to order and stated that three Commissioners were present, with Stern and Stevenson not yet present.

(9:04 a.m.) Stern returned to the meeting.

(09/06/05 - 2 - 9:04 a.m.)

Stern gave the invocation and Rich led the Pledge of Allegiance

(9:06 a.m.) Stevenson entered the meeting.

(09/06/05 - 2 - 9:07 a.m.)

PROCLAMATION DESIGNATING FLORIDA LIGHTHOUSE DAY

Bryant read the proclamation and Kathy Fleming, St. Augustine Lighthouse, accepted it, stating that they appreciated St. Johns County's support. She spoke on working with the Director of the Louisiana Children's Museum to create a program for children of New Orleans.

(9:12 a.m.) Motion by Bryant, seconded by Stern, carried 5/0, to accept the previously read proclamation.

(09/06/05 - 2 - 9:12 a.m.)

PUBLIC COMMENT

Gloria Rivera, 101 Dolphin Blvd. East, spoke on her home being flooded with raw sewage and stated that St. Johns Service Company was responsible for the damage to her home, totaling about \$30,000. She was asking for help to clean her home. Bryant asked Bosanko the procedure on handling this issue. (9:18 a.m.) Michael Hunt, Deputy County Attorney, entered the meeting. Bosanko responded. Rivera mentioned that she spoke with John Schwab and was given the number to legal aid to call to get some help.

(9:20 a.m.) Jean Lijoi, 103 Dolphin Blvd., spoke on her home being filled with sewage. She stated that she had to clean her whole house out and took an inventory of what they lost. Lijoi invited all the Commissioners to her home to see the damage. Discussion followed on whose responsibility it was to take care of the damage. (9:33 a.m.) Hunt explained the process that one would go through, starting with the Water & Sewer Authority and then the Board of County Commissioners would step in. He stated the responsibility was of St. Johns Service Company's, and that insurance matters, were a civil and private matter. Bosanko added that the necessary people would be contacted to check into this matter and a report would be brought back to the Board. (9:37 a.m.) Stern spoke on health issues caused by this problem. Ben Adams mentioned that he would like to meet with the two ladies in the back for a few minutes to see if he could get them some immediate assistance. Rich asked if it would be appropriate to encourage St. Johns Service Company to take care of this matter. Hunt responded that they would contact St. Johns Service Company and spoke on health issues.

(09/06/05 - 2 - 9:40 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

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

1. Approval of the Cash Requirement Report
2. Minutes:
07/27/05 - BCC Special Meeting
3. Sheriff's Office Bonds:
Approve: Bryan Aikens Charles Basting Lori Basting
 Brian Danella Dana Davis Lisa Deyen
 David Olson Deborah Parker Bryant Barnes
 Brenda Gardner Mary Rinker Anna Gibson
 Tiffany Masters

Cancel: David A. Maurer Sandy Redden-Robinson
4. Motion to adopt **Resolution No. 2005-234**, approving a final plat for Gem Gardens

RESOLUTION NO. 2005-234

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

5. Motion to adopt **Resolution No. 2005-235**, approving a final plat for Saint Johns Six Mile Creek West, Unit 3B

RESOLUTION NO. 2005-235

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK WEST UNIT 3B

6. Motion to adopt **Resolution No. 2005-236**, approving a final plat for Ravenswood Forest PUD

RESOLUTION NO. 2005-236

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR RAVENSWOOD FOREST PUD

7. Motion to adopt **Resolution No. 2005-237**, approving a final plat for Worthington Park

RESOLUTION NO. 2005-237

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

8. Motion to adopt **Resolution No. 2005-238**, approving a final plat for Marshall Creek DRI, Unit MV-3

RESOLUTION NO. 2005-238

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI, MV-3

9. Motion to adopt **Resolution No. 2005-239**, accepting the terms of the agreement between St. Johns County and Mental Health Resource Center, Inc., for child and adolescent Baker Act services, and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2005-239

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE TERMS OF THE AGREEMENT BETWEEN MENTAL HEALTH RESOURCE CENTER, INC., AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

10. Motion to adopt **Resolution No. 2005-240**, accepting the terms of the agreement between St. Johns County and Mental Health Resource Center, Inc., for adult Baker Act services, and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2005-240

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE TERMS OF THE AGREEMENT BETWEEN MENTAL HEALTH RESOURCE CENTER, INC., AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

11. Motion to adopt **Resolution No. 2005-241**, accepting the terms of the agreement between St. Johns County Board of County Commissioners and Gateway Community Services, and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2005-241

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND GATEWAY COMMUNITY SERVICES, INC.

12. Motion to adopt **Resolution No. 2005-242**, accepting the terms of the agreement between St. Johns County Board of County Commissioners and Stewart-Marchman Center and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2005-242

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND STEWART-MARCHMAN CENTER

13. Motion to adopt **Resolution No. 2005-243**, accepting the terms of the agreement between St. Johns County Board of County Commissioners and Putnam Behavioral Healthcare and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2005-243

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND PUTNAM BEHAVIORIAL HEALTHCARE

14. Motion to adopt **Resolution No. 2005-244**, authorizing the Clerk of Circuit Courts, under Section 95.361, Florida Statutes, to file a survey map for Ware Lane, 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. 2005-244

A RESOLUTION OF 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 WARE LANE, 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)

15. Motion to adopt **Resolution No. 2005-245**, terminating the Maintenance Assessment of the Rusty Anchor/Wendover Road Municipal Service Benefit Unit non-ad valorem assessment levied pursuant to St. Johns County Resolution

2002-191 and Resolution 2003-101 and adopting the annual non-ad valorem assessment roll pertaining thereto

RESOLUTION NO. 2005-245

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TERMINATING THE MAINTENANCE ASSESSMENT OF THE RUSTY ANCHOR/WENDOVER ROAD MUNICIPAL SERVICE BENEFIT UNIT (MSBU) NON AD VALOREM ASSESSMENT LEVIED PURSUANT TO ST. JOHNS COUNTY RESOLUTION 2002-191 AND RESOLUTION 2003-101, AND ADOPTING THE ANNUAL NON AD VALOREM ASSESSMENT ROLL PERTAINING THERETO

16. Motion to approve the Non-Ad Valorem Assessment Rolls and Annual Assessment Rates for Road Maintenance MSBUs and authorize the Chairman to certify and deliver the 2005/2006 Assessment Rolls to the St. Johns County Tax Collector
17. Motion to adopt **Resolution No. 2005-246**, authorizing the Clerk of Circuit Courts, under Section 95.361, Florida Statutes, to file a survey map for Maple 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. 2005-246

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR MAPLE 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)

18. Motion to adopt **Resolution No. 2005-247**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Unit SV-1 Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2005-247

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

19. Motion to adopt **Resolution No. 2005-248**, accepting an Easement for Utilities for water and sewer service to Rolling Hills Commercial Park and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2005-248

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO ROLLING HILLS COMMERCIAL PARK AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

20. Motion to adopt **Resolution No. 2005-249**, approving and authorizing execution of the Lease Agreement Amendment from Rayonier Forest Resources, L.P., to St. Johns County to change the lesser and to amend the future lease payment for the tower located off of Water Plant Road

RESOLUTION NO. 2005-249

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF THE LEASE AGREEMENT AMENDMENT FROM RAYONIER FOREST RESOURCES, L. P., TO ST. JOHNS COUNTY, FLORIDA, TO CHANGE THE LESSOR AND TO AMEND THE FUTURE LEASE PAYMENT LOCATED OFF OF WATER PLANT ROAD

21. Motion to adopt **Resolution No. 2005-250**, accepting a Grant of Easement that will allow County drainage into the retention pond being used for the four lane improvements along County Road 13A

RESOLUTION NO. 2005-250

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT THAT WILL ALLOW COUNTY DRAINAGE INTO THE RETENTION POND BEING USED FOR THE FOUR LANE IMPROVEMENTS ALONG COUNTY ROAD 13A

22. Motion to adopt **Resolution No. 2005-251**, accepting a Grant of Easement from Brenner Land Company, LLC, to St. Johns County for drainage and utility purposes

RESOLUTION NO. 2005-251

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM BRENNER LAND COMPANY, LLC, TO ST. JOHNS COUNTY FOR DRAINAGE AND UTILITY PURPOSES

23. Motion to adopt **Resolution No. 2005-252**, accepting a Warranty Deed for additional right-of-way for Hilden Subdivision from GC Land Development, Inc.

RESOLUTION NO. 2005-252

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A WARRANTY DEED FOR ADDITIONAL RIGHT-OF-WAY FOR HILDEN SUBDIVISION FROM GC LAND DEVELOPMENT, INC.

24. Motion to adopt **Resolution No. 2005-253**, approving the terms, provision, condition, and requirements of a federally funded Subgrant Agreement between the State of Florida, Agency for Health Care Administration, and St. Johns County, Florida and authorizing the County Administrator to execute the agreement on behalf of the County; and a motion to adopt **Resolution No. 2005-254**, approving the terms, provisions, conditions, and requirements of a Comprehensive Medical Services Agreement between St. Johns County, and Flagler Hospital, and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2005-253

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A FEDERALLY FUNDED SUBGRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, AGENCY FOR HEALTHCARE ADMINISTRATION, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2005-254

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN FLAGLER HOSPITAL, INC., AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

25. Motion to approve a 60-day extension of the Homeland Security Grant Contract
26. Motion to adopt **Resolution No. 2005-255**, approving and adopting the National Incident Management System (NIMS) as the basis for all incident management in St. Johns County

RESOLUTION NO. 2005-255

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR

**ALL INCIDENT MANAGEMENT IN ST. JOHNS
COUNTY**

27. Motion to transfer \$4,000 from GIS [0084-53120] to Zoning for the use of staff time utilized on the GIS Zoning Layer Rectification Project, specifically \$3,200 for salaries [0019-51200], retirement [0019-52200], and worker's compensation [0019-52400]
28. 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
29. Motion to approve the transfer of \$25,000 from the General Fund Reserves (0083-59920) to County Court-Court Costs (0025-53141), to cover the cost of the Clerk of Courts to enforce County Ordinances
30. Motion to approve the transfer of ownership of the listed St. Johns County furnishings and donate them to the State of Florida
31. Motion to authorize the County Administrator, or his designee, to enter into contract with Mortgage and Credit Center, in an amount not to exceed \$85, 000, for the project titled Credit Counseling Services - SHIP, under Bid No. 05-112 (*See Attachment A*)
32. Motion to declare mower deck (SJC Code #005912) surplus and donate it to the St. Augustine Airport Authority
33. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, Hero's 19th Hole, Inc., for RFP No. 05-119, Request for Proposals for operation of the restaurant facility at the St. Johns Golf Club. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until an agreements is reached (*See Attachment B*)
34. Motion to adopt **Resolution No. 2005-256**, approving the terms, provisions, conditions, and requirements of the Mutual Aid Agreement between St. Johns County, Florida, and Florida's Water Agency Resource Network, for emergency assistance, in the form of personnel, equipment and materials, and other associated services necessary in a time of emergency; and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2005-256

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE MUTUAL AID AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLORIDA'S WATER AGENCY RESOURCE NETWORK, FOR EMERGENCY ASSISTANCE, IN THE FORM OF PERSONNEL, EQUIPMENT AND MATERIALS, AND OTHER ASSOCIATED SERVICES NECESSARY IN A TIME OF EMERGENCY; AND AUTHORIZING THE COUNTY

**ADMINISTRATOR TO EXECUTE THE AGREEMENT
ON BEHALF OF ST. JOHNS COUNTY**

35. Motion to adopt **Resolution No. 2005-257**, approving the terms, conditions, provisions, and requirements of St. Johns County's State Aid to Libraries Grant Application and Grant Agreement, and authorize the chairperson of the Board of County Commissioners to execute the grant application and grant agreement on behalf of the County

RESOLUTION NO. 2005-257

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS, PROVISIONS,
CONDITIONS, AND REQUIREMENTS OF A STATE OF
FLORIDA, STATE AID TO LIBRARIES GRANT
APPLICATION AND GRANT AGREEMENT, AND
AUTHORIZING THE CHAIRPERSON OF THE BOARD
OF COUNTY COMMISSIONERS TO EXECUTE THE
AGREEMENT ON BEHALF OF THE COUNTY**

36. Motion to approve payment of \$66,000 to Ravenswood Forest, LLC, as County match for \$2,100,000 in HAP down-payment assistance funding
37. Motion to approve payment of \$37,000 to St. Johns Housing Partnership, as County match for \$900,000 in HAP down-payment assistance funding
38. Motion to authorize the County's application under the Weed & Seed Program and signing of the application by the County Administrator or his designee
39. Motion to approve the list of eligible contractors selected by Jordan & Associates, for the CDBG Rehabilitation Program
40. Motion to approve the list of qualified applicants for the CDBG Rehabilitation Program ranked and recommended by Jordan & Associates and approved by the Community Advisory Task Force
41. Motion to authorize staff to apply to the Florida Department of Community Affairs for a waiver under the conflict of interest provisions, on behalf of those impacted households participating in the CDBG Rehabilitation Program
42. Motion to authorize the County Administrator or his designee, to negotiate and enter into a contract with the No. 1 ranked firm, Span Systems, Inc./Bush Construction for RFP 05-116, Design/Build Amphitheatre Tensile Membrane Roof. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiation with the No. 2 ranked firm and continue until an agreement is reached (*See Attachment C*)
43. Motion to authorize the County Administrator or his designee, to negotiate and enter into a contract with the No. 1 ranked firm, HDR Engineering, Inc., for RFP 05-130, Design Services for Construction of a New Transfer Station. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiation with the No. 2 ranked firm and continue until an agreement is reached (*See Attachment D*)

44. Motion to authorize the County Administrator or his designee, to negotiate and enter into a contract with the No. 1 ranked firm, Strollo Architects, Inc., RFP 05-131, Design Services for Jail Expansion - Inmate Intake/Discharge Area. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiation and begin negotiation with the No. 2 ranked firm and continue until an agreement is reached (*See Attachment E*)
45. Motion to approve Order # 05-004, confirming the Preliminary Order rendered in the Limited Proceedings of Intercoastal Utilities, Inc. Docket #2004-0007-0011-0001
46. Motion to transfer \$250,000 from General Fund Reserves (0083-59920) to Contractual Services (0002-53120), to fund the legal, engineering, environmental and financial analysis of the due diligence related to St. Johns Service Company

(09/06/05 - 11 -9:41 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Adams requested to add an item concerning the St. Johns County Utility Office Complex, Bid #05-99, as Item A1. Bosanko requested to add an item concerning certification of local government approval for a nonprofit organization as Item 16a.

(9:43 a.m.) Cathy Brown, Council on Aging, stated that she could be here to talk on Item 17 at 4:00 p.m. Maguire set Item 17 time specific at 4:00 p.m.

(09/06/05 - 11 - 9:44 a.m.)

APPROVAL OF REGULAR AGENDA

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

(09/06/05 - 11 - 9:45 a.m.)

- A1. BID #05-99, CONSTRUCTION OF NEW ST. JOHNS COUNTY UTILITY OFFICE COMPLEX (*See Attachment F*)

Mike Rubin, Director of Construction Services, stated that the low bidder for this job, Ray T. Freiha Construction, Inc., could not produce a bond in the amount of the contract and he recommended not going after his bond, which would be the usual action, because it would put him out of business. He mentioned that Mr. Freiha had completed the renovation job for the main library and was currently doing the Medical Examiner's new building and was doing good job. Rubin recommended going to the second bidder. (9:46 a.m.) **Motion by Stern, seconded by Rich, carried 5/0, that the County Administrator or his designee, revoke and cancel the Notice of Award issued to Ray T. Freiha Construction Company, Inc., and also that the County Administrator or his designee, be authorized to enter into a contract with the 2nd low bidder, Acon Construction, Inc., for the Base Bid plus Alternatives # 1, 2 & 5, for a total lump sum amount of \$5,261,742.00.** (9:47 a.m.) Hunt left the meeting.

(09/06/05 - 11 - 9:47 a.m.)

1. UPDATE ON SEABOARD WASTE SYSTEM SERVICES

Jim Arnold, Public Services, Seaboard Waste Systems, introduced Andy Barker, General Manager, Seaboard Waste Systems, who gave an update on solid waste services. He stated that, statistically, they were getting better. Maguire stated that in the northeast,

service was still lacking and very poor overall. He asked if Seaboard had the capability to do the job and if they did have the capability, did they have the leadership to do the job. Rich stated that he felt like Adams should look a little closer at meeting the performance standards of this contract to see whether or not this contract was getting into a situation where it may be in borderline default. Adams replied that they had the last three months of business reports of this company and they had imposed fines up to a couple thousand dollars a month for late pickup. He stated that he would like some kind of time line to get it correct with the company. Rich asked if a 30-day window prior to getting together with legal in reference to seeing what could be done in reference to this contract would be sufficient for Adams to make some kind of evaluation to whether or not he should move forward. Adams replied that would be a first step and stated that this was not something that was in the norm. Rich stated that if this was not taken care of in 30 days, to go forward with legal in pursuance of default. Maguire told Adams to bring the Board a report by the October 4th meeting and to check with Schwab and the Attorney's Office and if it was not satisfactory in 30 days, then look at proceeding into the default provision.

(09/06/05 - 12 - 10:04 a.m.)

2. CONSIDER THE KENTON MORRISON AND WOODLAWN ROAD REALIGNMENT AT STATE ROAD 16

Joe Stephenson, Public Works Director, reviewed this item stating that they had the design and permit to do the intersection, and now they needed the land.

(10:08 a.m.) Mary Ann Blount, Land Management Director, reviewed the property acquisition, Exhibit A. Stern stated that she agreed with the improvements of this intersection. Rich spoke on no residence being on the land that they were considering taking by eminent domain. Bosanko asked Stephenson, as Public Works Director, was it his position that there was no other reasonable alternative to protect the public interest, other than, for the County to acquire this property to improve this intersection. Stephenson replied yes it was. Bosanko spoke on eminent domain, asking if they should do a quick taking of the land or a long taking of the land, and explained.

(10:14 a.m.) Isabelle Lopez, Senior Assistant County Attorney, stated that her understanding from staff's perspective was that time was of the essence at this point and recommended doing a quick taking of the land. (10:15 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2005-258, declaring the public purpose and public necessity for exercising the right and power of eminent domain to acquire certain real property consisting of 0.55 acres of fee simple title for the realignment of Kenton Morrison Road and Woodlawn Road at SR 16; and directing the County Attorney to institute condemnation proceedings for a quick take.**

RESOLUTION NO. 2005-258

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE AND PUBLIC NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY CONSISTING OF .55 ACRES OF FEE SIMPLE TITLE AS DESCRIBED BELOW FOR THE IMPROVEMENT TO KENTON MORRISON AND WOODLAWN ROAD ALIGHMENT; DIRECTING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

(09/06/05 - 13 - 10:16 a.m.)

3. DISCUSSION OF THE VETERANS' AFFAIRS NURSING HOME

Rich stated that the VA Nursing Home issue was moving forward at a fairly decent pace, and toward the end of October they would be looking to make some presentations to the State Veteran's Department. Mary Ann Blount, Real Estate, reviewed this item, by Power Point presentation, regarding an opportunity to site a new Florida Veterans Home in St. Johns County. She demonstrated need, suitability of a site, availability of infrastructure, health care professionals, and 24-hour emergency health care. She asked for direction from the Board. Rich asked Tom Waskovich to speak.

(10:30 a.m.) Tom Waskovich spoke on this very valuable project being of extreme interest to the veteran's community. He stated that they would have to maintain a 90% occupancy rate to keep it open. Stevenson asked if they looked at Duval County for sites. Waskovich replied that they were focusing on St. Johns County at this time. Stevenson asked if the County would acquire the land and then they would buy it from the County. Blount replied that it was her understanding that they were looking for a donation from the County and the County's investment would be the cost of the land and the cost of the entire infrastructure, to make it ready for construction. Maguire asked what other counties were considering offering sites. Blount responded that only two counties sent back letters of intent, St. Johns and Duval. Maguire spoke on the radius and the sites, and recommended to push real hard for a donated site. (10:38 a.m.) Patrick McCormack entered the meeting. Rich spoke on donated sites. Maguire asked when they would want this constructed. Blount responded that the VA Coordinator was uncertain, that it would probably be next spring or early summer before a site, would be officially selected. Stern asked how specific do you have to be with the site, to present this application or intent to the State. Blount responded.

(10:43 a.m.) Tom Crawford, Director of Housing and Community Services, stated that there was another site, a 12 acre parcel in World Commerce Center right off of I-95, deemed for affordable housing in the DO that was about ready to be conveyed to them. He stated that he just wanted to mention that it could be used as an alternative and would be under the control of the County. Stevenson suggested finding a cost effective solution or a donated site. Rich mentioned that the 12 acres may be the Board's best shot and Blount stated that she would check into it. Maguire suggested a donated site first, then check into the 12 acres. Rich asked the Board for a consensus to have Blount work with Crawford to check out the 12-acre property and also the property off of World Golf Parkway as a backup. Maguire stated that they had three sites that could be presented to the Board for approval and placed on the agenda. Bosanko left the meeting.

The meeting recessed at 10:48 a.m. and reconvened at 10:58 a.m.

(09/06/05 - 13 - 10:58 a.m.)

4. PUBLIC HEARING - NZVAR 05-006, HEYMEN RESIDENCE - THE REQUEST IS FOR A NON-ZONING VARIANCE TO SJCLDC SECTION 6.04.07 PARAGRAPH A.2 (ROADWAY DESIGN, GENERAL) AND SECTION 6.04.07 F (PAVEMENT DESIGN) AND SECTION 6.04.07 PARAGRAPH M (EXISTING FACILITIES). OAK RIDGE ROAD IS LOCATED WITHIN THE ST AUGUSTINE HEIGHTS SUBDIVISION OFF OF KINGS ESTATE ROAD. THE SUBDIVISION WAS PLATTED MANY YEARS AGO, BUT ONLY PORTIONS OF THE ROADBED HAVE BEEN EITHER PAVED (SOME 1,960 FEET FROM KINGS ESTATE ROAD WITH COLD MIX ASPHALT) OR A STABILIZED ROADBED (2,047 FEET EXTENDING FROM THE PAVED SECTION TO THE WEST). THE REQUEST IS TO OPEN OAK RIDGE ROAD TO THE APPLICANT'S

PROPERTY, AN ADDITIONAL DISTANCE OF SIX HUNDRED THIRTY FEET (630'), MORE OR LESS, FROM THE END OF THE EXISTING STABILIZED ROADBED. THE APPLICANT DESIRES TO CONSTRUCT AND MAINTAIN THIS SECTION AS A STABILIZED ROADWAY RATHER THAN PAVE IT AS REQUIRED BY THE SJCLDC

Proof of publication for the notice of public hearing regarding NZVAR-05-006, Heymen Residence, was received, having been published in *The St. Augustine Record* on August 22, 2005.

Chuck Kohler, P.E., Development Review Chief Engineer, reviewed this item with a Power Point presentation, Exhibit A. There was a request by the Heymens to open 630 feet beyond the two thousand feet of privately maintained road. Kohler stated that the variance summary was requesting not to open a platted, but an unopened right-of-way of 630 feet to current roadway standards. Rich asked if there was any kind of agreement that the County could engage in with a private landowner, that they would maintain a section of unpaved roadway to County's specifications. McCormack replied that it could be done as a condition to a variance. Discussion followed on maintaining the unpaved roadway and whose responsibility it would be. Stern disclosed exparte communication with Karen Taylor and Catherine Heymen to discuss how much of the road they wanted to open up to use, some of the other properties that were back behind on the same right-of-way and met with Jimmy Solana who drove her back into this area. Stevenson disclosed exparte communication with Karen Taylor to discuss this project, the adjacent land, and some history on the maintenance of the road and the condition of the roadway. Maguire disclosed exparte communication with Karen Taylor and the applicant to discuss their plans and the issues that they discussed today. Rich disclosed exparte communication with Karen Taylor in reference to this project.

(11:13 a.m.) Karen Taylor, Land Planner, 3070 Harbor Drive, spoke on the road in question, the unpaved road standards, having a maintenance agreement or Hold Harmless Agreement for the County so the road could be maintained by the private homeowners and having a turnaround at the end of the road. Stevenson mentioned that she supported it, if it had safe access for emergency vehicles and the maintenance remained with the homeowner. Taylor said they would bring it up to County standards. McCormack stated it could be approved, with the condition that the additional 630 feet be constructed and maintained to the same level of service as the existing 2,047 feet of roadway immediately east of it. (11:23 a.m.) **Motion by Stern, seconded by Rich, to approve NZVAR 2005-06, based upon the evidence provided for all of the five findings of fact with the conditions that it be privately maintained until further approvals granted by the County; and the applicant would agree, if necessary, to grant a license or easement to the County for the purposes of emergency vehicle turnaround.**

(11:23 a.m.) Rich asked Heymen if he was willing to sign an agreement with the County, to hold the County harmless in the event that an emergency vehicle could not reach his residence.

(11:24 a.m.) Sterling Heymen, 1124 Oak Ridge Road, stated that he would be willing to sign the agreement mentioned by Rich. (11:25 a.m.) **Rich asked that the motion be altered to include that statement and the maker of the motion agreed.** Maguire mentioned that if the variance was approved, the clause must be written in the property owner's deed stating that the roadway is private and St. Johns County would not be responsible for the maintenance of the roadway drainage issues. He stated that something needed to go on public record, whether its on a deed or a document, so

when title searches were done, future buyers would know the true status. McCormack replied that they could make sure that happened.

(11:26 a.m.) Henry Nock, 1125 Oak Ridge Road, spoke in favor of the road, showing pictures, Exhibit B. (11:28 a.m.) **The motion carried 5/0.**

(09/06/05 - 15 - 11:28 a.m.)

5. PUBLIC HEARING - REZ 2005-25, VENETIAN REZONING - THIS IS A REQUEST TO REZONE 1.0 ACRE FROM OPEN RURAL (OR) TO COMMERCIAL NEIGHBORHOOD (CN) FOR MEDICAL OFFICES. THE PARCEL IS LOCATED ON THE NORTH SIDE OF VENETIAN BLVD., JUST EAST OF US 1, AND IS IN A MIXED USE (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE UTILITY DEPARTMENT. ADJACENT ZONINGS ARE PLANNED SPECIAL DEVELOPMENT (PSD), RESIDENTIAL SINGLE FAMILY (RS-3), AND INDUSTRIAL WAREHOUSE (IW). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR JULY 7, 2005 MEETING

Proof of publication for the notice of public hearing regarding REZ 2005-25 Venetian Rezoning, was received, having been published in *The St. Augustine Record* on August 22, 2005.

Bruce Ford, Chief Planner, mentioned that the PZA vote was 3/3, motion failed, instead of 6/0. The three in opposition were concerned about incompatibility. He stated that they received four letters in opposition and one in favor of this rezoning, Exhibit A. He stated there was also a petition from the neighborhood including 88 signatures against this item. Rich asked why they went with Commercial Office instead of Commercial Neighborhood. Ford replied that he did not know.

(11:31 a.m.) Judy Ferrell, 1570 Spring Street, representing the applicant Alex Pellerito, replied the reason they picked the Commercial Neighborhood designation was because it was the less intensive of the zonings that would fit their use, medical offices. Discussion followed on the adjacent properties and the reason for picking Commercial Neighborhood.

(11:34 a.m.) Dot Miller, 245 Palmetto Drive, spoke in opposition to the rezoning.

(11:35 a.m.) Carol Sullivan, 201 Venetian Blvd., spoke in opposition to the rezoning.

(11:38 a.m.) Bill Senecal, 270 Venetian Blvd, spoke in opposition to the rezoning.

(11:39 a.m.) Janice Anderson, 175 Venetian Blvd, spoke in opposition to the rezoning regarding the safety factor.

(11:42 a.m.) Roger Anderson, 175 Venetian Blvd., spoke in opposition to the rezoning.

(11:43 a.m.) Margaret Owens, 165 Venetian Blvd, spoke in opposition to the rezoning.

(11:43 a.m.) James Manucy, 6381 Pine Circle West, spoke in opposition to the rezoning.

(11:45 a.m.) Donna Frantz, 6409 Pine Circle West, spoke in opposition to the rezoning.

(11:46 a.m.) Bryant stated it would be all right having the commercial on US 1, but not migrating into the neighborhood. McCormack mentioned that the applicant should have an opportunity to rebut any of the testimony from the speakers.

(11:47 a.m.) Ferrell stated that the only thing that would be going in there would be medical offices. Stern concurred with Bryant's statement. (11:50 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to deny rezoning application REZ2005-25, Venetian Rezoning, adopting the following finding of fact to support the motion: that the request is not compatible with the adjacent neighborhood residential uses.**

(09/06/05 - 16 - 11:51 a.m.)

6. PUBLIC HEARING - MAJMOD 2005-04, ST. AUGUSTINE INDUSTRIAL PARK PUD - THE ST. AUGUSTINE INDUSTRIAL PARK PUD CONSISTS OF 199 ACRES AND IS LOCATED ON THE NORTH SIDE OF SR 207, JUST WEST OF I-95. THE MAJOR MODIFICATION PROPOSES TO PROVIDE INTERNAL ACCESS POINTS TO THE NEWLY PROPOSED ST. AUGUSTINE WAREHOUSE PUD. THE NEW ACCESS POINTS WILL SERVE AS THE INGRESS/EGRESS FOR THE ST. AUGUSTINE WAREHOUSE PUD, AS WELL AS PROVIDE ACCESS TO FUTURE DEVELOPMENT LOCATED ON THE ADJACENT PARCELS. ALL OTHER PROVISIONS OF THE APPROVED PUD WILL REMAIN IN EFFECT. THE SITE IS LOCATED IN THE MIXED USE DISTRICT (MD) OF THE 2015 FUTURE LAND USE MAP. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER/SEWER BY ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS INCLUDE PLANNED UNIT DEVELOPMENT (PUD) AND OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR JULY 7, 2005 MEETING WITH A VOTE OF 5/1

Proof of publication for the notice of public hearing regarding MAJMOD 2005-04, St. Augustine Industrial Park, was received, having been published in *The St. Augustine Record* on August 22, 2005.

Bruce Ford stated there were no changes on this item to report. Maguire mentioned on page 1, of Exhibit C, there was a typo leaving off a zero of the amount; on page 2, Exhibit C, questioned the word "included," and on page 4, Exhibit C, questioned the mixed concrete plant. McCormack responded to the mixed concrete plant question. Ford replied to Maguire's questions. Rich disclosed exparte communication with Bruce Ford.

(11:55 a.m.) Gerald Muldowney, 19 SW Second Street, the applicant, commented on why the access was needed for the adjoining proposed PUD. (11:56 a.m.) **Motion by Rich, seconded by Stern, carried 5/0, enact Ordinance No. 2005-78, known as MAJMOD 2005-04, St. Augustine Industrial Park PUD, adopting findings of fact 1 through 6 to support the motion.**

ORDINANCE NO. 2005-78

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 02-67, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 11:57 a.m. and reconvened at 1:32 p.m. with Maguire, Bryant, Stern, Stevenson, Rich, Adams, McCormack and Terry Bulla, Deputy Clerk, present.

Item No. 14 was heard next.

(09/06/05 - 17 - 1:39 p.m.)

7. PUBLIC HEARING - PUD 2005-18, GRAFFT'S LANDING PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 9.98 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT CONSISTING OF A TOTAL OF TWENTY-FIVE (25) SINGLE-FAMILY DWELLING UNITS. THE SITE CONTAINS ONE EXISTING SINGLE-FAMILY UNIT. THE PUD APPLICATION WOULD PROVIDE FOR TWENTY-FOUR (24) ADDITIONAL UNITS. THE SITE IS LOCATED IMMEDIATELY ADJACENT TO THE BIG OAKS PUD, WITH VEHICULAR ACCESS PROPOSED AS ONE ENTRY POINT FROM THE INTERNAL ROADS WITHIN BIG OAKS. ADDITIONAL VEHICULAR ACCESS IS NOT PROPOSED. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF FOUR (4) FOOT SIDEWALKS PROPOSED ALONG ONE SITE OF THE INTERNAL ROAD NETWORK; CONNECTING TO THE SIDEWALKS WITHIN THE BIG OAKS PUD. THE DEVELOPMENT PROGRAM ALSO INCLUDES 0.30 ACRES OF RECREATION AND 1.09 ACRES OF CONSERVATION AREAS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 25% OF THE PROJECT SITE (2.5 ACRES). THE MAXIMUM LOT SIZE IS PROPOSED AS FIFTY (50) FEET BY ONE HUNDRED (100) FEET; MAXIMUM IMPERVIOUS SURFACE SHALL NOT EXCEED SEVENTY PERCENT (70%). CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: PLANNED UNIT DEVELOPMENT (BIG OAKS PUD) AND OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR AUGUST 4, 2005 HEARING, BY A VOTE OF 6/1

Proof of publication of the notice of public hearing regarding PUD 2005-18, Grafft's Landing Planned Unit Development, was received, having been published in *The St. Augustine Record* on August 22, 2005.

Bruce Ford, Chief Planner, gave the presentation and reported that there were no changes to the item. He responded to questions from various Board members regarding discrepancies in the paperwork, the proposed SR 312 right-of-way, and the Mixed Use District designation.

(1:46 p.m.) Gary Davenport, 3266 Pacetti Rd., representing the owner, reviewed the site map, and responded to questions previously presented by the Board regarding zoning and the SR 312 corridor. (1:47 p.m.) Rich questioned the general zoning map and the fact that OR zoning was on three sides of the plan. Davenport noted that one of those areas was now zoned as a PUD. He said it was designed as though the SR 312 right-of-way already existed. Rich asked what size lots were in the PUD and noted significant drainage problems within the county. Davenport said there were 63, 60-foot lots on 39 acres, and there would be stick built homes ranging in price from the high \$100's to the low \$200's. Davenport said he would agree to complete recreational build-out prior to 25% build out of the development. Rich asked if they would include wording in the contract to purchasers noting that there would be a major highway, SR 312, behind the houses that were going to be developed. Davenport said he would agree to that, and they had developed their plans as though the highway already existed. He said they

had discovered Presidential Gardens already had some drainage issues, and they had designed their system to accommodate that drainage and give it an eventual outfall to help that problem. (1:55 p.m.) Davenport responded to concerns expressed by Stern regarding noise and traffic speeds on SR 312, and drainage issues. (2:03 p.m.) Stevenson asked the County Attorney if they could request the form of disclosure be clear, like a separate page in the closing documents. Patrick McCormack, Assistant County Attorney, stated that it would be appropriate to request such a disclosure and he would recommend putting language into the Master Development Plan (MDP) referring to the SR 312 planned extension, stating that notification would be provided to individual lot owners. He also noted that recreational improvements could be added in Section S regarding waivers and variances. Davenport said he would make those revisions to the text and would put the proposed SR 312 right-of-way on the MDP. (2:06 p.m.) Maguire asked if the tot lot would include playground toys. Davenport replied that they would combine the recreation area with the existing PUD to provide for a smaller area for smaller children, and there would be some improvements to the area specified. (2:08 p.m.) McCormack stated that the language for a tot lot should be defined with a phrase in the MDP, such as “with reasonably recognized tot lot facilities.” (2:10 p.m.) Davenport responded to a question from Rich regarding incompatibility, saying that the area was designed to be compatible with the adjacent development and that the density was lower than all the adjacent development.

(2:11 p.m.) Motion by Stern, seconded by Bryant, to enact Ordinance 2005-79, known as PUD 2005-18, Grafft’s Landing PUD, adopting findings of fact 1 through 7 to support the motion, with the addition of the language concerning notification to homebuyers or property buyers about the SR 312 right-of-way, and also the addition of language about tot lots, build-out time and the Master Development Plan.

McCormack clarified that Stern’s motion covered what the applicant’s representative agreed to about notification. He said they had agreed on two things, there would be a mention of it in the Master Development Plan itself, and there also would be a separate disclosure form provided to the prospective individual lot owners.

(2:13 p.m.) Rich emphasized the flooding issues. He encouraged the Board to look at it carefully and soon, in reference to building upon raised slabs. He said he was not comfortable with what they were doing with mixed-use districts, there should be an overall plan with the Planning Department; and he could not support the rezoning. (2:16 p.m.) Bryant questioned Rich regarding land use zoning and he said any house built in the county had to comply with the Southern Building Code. Discussion ensued regarding the building codes and destruction resulting from storm damage. (2:20 p.m.) McCormack stated that the County now used the Florida Building Code as a result of hurricane Andrew. He said the County did have some leeway in making changes for administrative matters, but the actual substance of the Florida Building Code, in terms of the types of construction and materials used, would be quite difficult to change. He noted it was possible to do, but there was a big procedure to go through to do it and special circumstances would have to be demonstrated within the County. (2:22 p.m.) **The motion carried 4/1 with Rich in opposition.**

ORDINANCE NO. 2005-79

**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.**

(09/06/05 - 19 - 2:23 p.m.)

8. PUBLIC HEARING - REZ 2004-39, SH&D INVESTMENTS - THIS REQUEST SEEKS TO REZONE 1.84 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE IN ORDER TO DEVELOP AN OFFICE/WAREHOUSING COMPLEX. THE SITE IS UNDEVELOPED WITH VARYING DEGREES OF VEGETATION. THE PARCEL IS LOCATED SOUTHEAST OF RAY ROAD, EAST OF US 1. THE PROPERTY IS LOCATED IN THE MIXED USE LAND USE DISTRICT AS DEPICTED ON THE FUTURE LAND USE MAP; WHICH PROVIDES FOR ALL LAND USES. THE COMMERCIAL INTENSIVE ZONING CATEGORY PROVIDES AN IMPERVIOUS SURFACE RATIO OF 75% AND 15/5/10 FRONT, SIDE, REAR SETBACKS. THE MAXIMUM HEIGHT OF ALL STRUCTURES IS FORTY (40) FEET, PROVIDING CERTAIN CRITERIA (ADDITIONAL SETBACKS, SPRINKLER SYSTEM) ARE MET. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER BY ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS INCLUDE IW, OR AND PS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5/0 (WITH TWO MEMBERS ABSENT) AT THEIR JULY 7, 2005 MEETING

Proof of publication of the notice of public hearing regarding REZ 2004-39, SH&D Investments was received, having been published in *The St. Augustine Record* on August 22, 2005.

Lindsay Haga, Planner III, noted that she didn't have any new information on this straight rezoning application, but stated that she did have a point of clarification in the Staff Report regarding a typo. Maguire asked why they asked for Commercial Intensive use. Haga replied that it would allow for the office square footage they required.

(2:25 p.m.) Ron Brown, 93 Orange Street, representing SH&D, said there were no changes or additions. He said the developer and the owner were the same. He reviewed the aerial maps, and noted there were other commercial developments on US 1. (2:27 p.m.) Stern disclosed ex-parte communications with Mr. Green regarding the parcel and possible uses. (2:27 p.m.) Rich disclosed ex-parte, stating that he had visited the site and had no problem with the proposal. (2:28 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to enact Ordinance 2005-80, known as REZ 2004-39, SH&D Investments Rezoning, adopting findings of fact 1 thorough 4, to support the motion.**

ORDINANCE NO. 2005-80

**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
COMMERCIAL INTENSIVE (CI); MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE.**

(09/06/05 - 20 - 2:28 p.m.)

9. PUBLIC HEARING - REZ 2004-36, JB PLAZA, INC., - THIS REQUEST SEEKS TO REZONE 1.0 ACRE FROM OPEN RURAL (OR) AND INDUSTRIAL, WAREHOUSING (IW) TO COMMERCIAL INTENSIVE IN ORDER TO DEVELOP A SHOPPING CENTER (SPECIALTY RETAIL). THE SITE IS UNDEVELOPED WITH VARYING DEGREES OF VEGETATION. THE PARCEL IS LOCATED SOUTHEAST OF RAY ROAD, EAST OF US 1. THE PROPERTY IS LOCATED IN THE MIXED USE LAND USE DISTRICT AS DEPICTED ON THE FUTURE LAND USE MAP, WHICH PROVIDES FOR ALL LAND USES. THE COMMERCIAL INTENSIVE ZONING CATEGORY PROVIDES AN IMPERVIOUS SURFACE RATIO OF 75% AND 15/5/10 FRONT, SIDE, REAR SETBACKS. THE MAXIMUM HEIGHT OF ALL STRUCTURES IS FORTY (40) FEET, PROVIDING CERTAIN CRITERIA (ADDITIONAL SETBACKS, SPRINKLER SYSTEM) ARE MET. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER BY ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS INCLUDE IW, OR AND PS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5/0 (WITH TWO MEMBERS ABSENT) AT THEIR JULY 7, 2005 MEETING

Proof of publication of the notice of public hearing regarding REZ 2004-36, J.B. Plaza Inc. was received, having been published in *The St. Augustine Record* on August 22, 2005.

Lindsay Haga, Planner III, gave the presentation and said there were no changes, except for the same typo as the last item.

(2:29 p.m.) Danielle Mayoros, 3611 St. Johns Bluff Rd., Jacksonville, explained why they were requesting CI zoning. Rich asked what was to be built on the property. Mayoros responded it would be some sort of service facility. (2:31 p.m.) Rich expressed concern about a strip mall being in a mixed-use district. Haga said they did not have a site plan, but there would be a development plan which would address his concerns. (2:31 p.m.) Stevenson questioned access and voiced her concern about traffic. Haga said they had not addressed access yet.

(2:32 p.m.) Stern declared ex-parte with Mrs. Broudy regarding the property and its possible uses and whom they needed to talk with, in that regard. (2:33 p.m.) McCormack stated that what the applicant intended to do on a straight rezoning, should not be used as the basis for rezoning purposes and said for their consideration, it was strictly CI. (2:34 p.m.) Bryant asked where they were on administrative rezoning. (2:35 p.m.) Bishop gave a status report on the process of rezoning and said it had been in the works for three years. Bryant asked if they were questioning the landowners as to what their preferences were on zoning. Bishop replied that they were notifying the property owners that their property was subject to being changed and then having community meetings. Bishop said they would not be notified if they had an OR zoning category.

(2:37 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to enact Ordinance No. 2005-81, known as REZ 2004-36, JB Plaza, Inc., Rezoning, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2005-81

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 INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(09/06/05 - 21 - 2:37 p.m.)

10. PUBLIC HEARING - REZ 2005-17, LEVY COMMERCIAL - THIS REQUEST SEEKS TO REZONE 2.3 ACRES FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) IN ORDER TO ALLOW FOR A 20,000 SQUARE FOOT OFFICE COMPLEX. THE SITE IS CURRENTLY VACANT WITH VARYING DEGREES OF VEGETATION. THE PARCEL IS LOCATED WEST OF OLD MOULTRIE ROAD, NORTH OF WATSON ROAD. THE PROPERTY IS LOCATED IN THE MIXED USE LAND USE DISTRICT AS DEPICTED ON THE FUTURE LAND USE MAP; WHICH PROVIDES FOR ALL LAND USES. THE OFFICE PROFESSIONAL ZONING CATEGORY PROVIDES AN IMPERVIOUS SURFACE RATIO OF 75%, A FLOOR TO AREA RATIO OF 50%, AND 15/5/10 FRONT, SIDE, REAR SETBACKS. THE MAXIMUM HEIGHT OF ALL STRUCTURES IS FORTY (40) FEET, PROVIDING CERTAIN CRITERIA (ADDITIONAL SETBACKS, SPRINKLER SYSTEM) ARE MET. BUFFERING AND SCREENING STANDARDS MUST FOLLOW SECTION 6.06.04 OF THE LAND DEVELOPMENT CODE. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER BY ST. JOHNS COUNTY UTILITY. ADJACENT ZONINGS INCLUDE: RS-2, CI, OR, AND PSD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5/0 (WITH TWO MEMBERS ABSENT) AT THEIR JULY 7, 2005 MEETING

Proof of publication of the notice of public hearing regarding REZ 2005-17, Levy Commercial, was received, having been published in *The St. Augustine Record* on August 22, 2005.

Lindsay Haga, Planner III, stated that there were no changes, except for the same typo as stated in Item 8.

(2:39 p.m.) Karen Taylor, 3070 Harbor Drive, said there were no changes. Maguire disclosed ex-parte communication with Karen Taylor. Rich reported ex-parte communication with Taylor regarding the office type use, buffer area, and the residential property behind them.

(2:40 p.m.) Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance 2005-82, known as REZ 2005-17, Levy Commercial Rezoning, adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2005-82

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 OFFICE PROFESSIONAL (OP); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(09/06/05 - 22 - 2:40 p.m.)

11. PUBLIC HEARING - PRD 2005-02, HONEY BRANCH ESTATES - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 61.63 ACRES LOCATED IN CENTRAL ST. JOHNS COUNTY, SOUTH OF COUNTY ROAD 208, EAST OF JOE ASHTON ROAD FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF TWELVE (12) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 90%/10% RULE FOR DENSITY. THE DEVELOPMENT AREA EQUALS 6.15 ACRES AND THE RESERVE AREA EQUALS 55.35 ACRES. LOTS WILL RANGE FROM THREE (3.0) ACRES IN SIZE TO SIX (6) ACRES IN SIZE AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE APPROXIMATELY 0.25 ACRES IN SIZE, WITH AN ASSOCIATED FIFTY (50) FOOT DEVELOPMENT AREA BUFFER. THE TOTAL GROUND AREA TO BE OCCUPIED BY BUILDINGS AND STRUCTURES SHALL NOT EXCEED 35% PER LOT. THE APPLICANT WILL PROVIDE RIDING TRAILS THROUGHOUT THE RESERVE AREA. VEHICULAR ACCESS IS PROPOSED FROM A SINGLE POINT ON CR 208. ADJACENT ZONING INCLUDES OPEN RURAL AND PLANNED UNIT DEVELOPMENT. THE PLANNING AND ZONING AGENCY DISCUSSED THE WAIVER REQUESTS AT LENGTH. ADDITIONALLY, CHANGES HAVE BEEN MADE TO THE TEXT ON PAGE 4 OF THE PUD DOCUMENT TO CLARIFY VEHICULAR ACCESS AND DEDICATION OF RIGHT-OF-WAY AT NO COST TO THE COUNTY. (NOTE: REVISED PUD TEXT HAS NOT BEEN RECEIVED). MR. GREEN RECOMMENDED APPROVAL OF THE PRD PROVIDING FOR THE FIVE FINDINGS OF FACT, INCLUDING THE CHANGES NOTED ON PAGE 4, APPROVING THE WAIVER TO INTERNAL SIDEWALKS AND DENYING THE WAIVER FOR EXTERNAL SIDEWALKS. THE MOTION CARRIED BY A VOTE OF 6/0 (WITH ONE MEMBER ABSENT)

Proof of publication of the notice of public hearing regarding PRD 2005-02, Honey Branch Estates, was received, having been published in *The St. Augustine Record* on August 22, 2005.

Lindsay Haga, Planner III, stated that there was a notation to correct language on page 4 of the text to be provided and the PZA approved the waiver to the internal sidewalks, but denied the waiver for the external sidewalks.

(2:41 p.m.) Karen Taylor, 3070 Harbor Drive, said she talked with all the commissioners about this item. She stated they had resolved some of the issues regarding the petition signers. She spoke on the waivers regarding the internal and the external sidewalks.

(2:44 p.m.) Stevenson disclosed ex-parte communication with Karen Taylor regarding sidewalks. (2:45 p.m.) Stern disclosed ex-parte communication with Karen Taylor regarding the various aspects of the project, the issues raised by some of the residents and reserving the right-of-way. She questioned the proposed drainage plan impacting adjacent properties and if Honey Branch drained on that property. (2:46 p.m.) Taylor responded using the map to explain the drainage system. She said they could not let drainage go off the site and the roadway would act as a block before it was treated and released. Discussion followed on how the horse waste would be collected and disposed of. Stern questioned the safety on CR 208 regarding school children and if special arrangements had been made for them. Taylor said they could provide a place for bikes and a covered area where children could wait for the buses. (2:52 p.m.) Bryant revealed that he had ex-parte communication with Taylor regarding the sidewalk waiver. (2:52 p.m.) Rich disclosed ex-parte with Taylor regarding the same issues that Stern had. (2:53 p.m.) Maguire mentioned that he did not disagree with the sidewalk waiver on the inside and asked the attorney if they would advise them on being offered the right-of-way in lieu of paying into the sidewalk fund. (2:55 p.m.) Bosanko replied that they

should be two separate procedures and not used in trading off for requirements. Taylor said it was a condition of the PUD and the language was included therein. (2:56 p.m.) Maguire asked if they would get the 17 feet if they suspended the sidewalk. Taylor responded no. Bosanko said that was the problem and that was what made the decision inappropriate. Taylor said it was not stated as part of the waiver. (2:56 p.m.) McCormack said the sidewalk fund was a special interest item and the purposes were different and to mix funds would be dangerous. (2:57 p.m.) Maguire said that based on the attorney's advice, he would be more comfortable keeping them separate.

(2: 58 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to enact Ordinance No. 2005-83, known as PRD 2005-02, Honey Branch Estates PRD, adopting findings of fact 1 through 5 to support the motion, and waiver to Section 5.03.03.C of the Land Development Code.**

(2:59 p.m.) Taylor asked for clarification on the Board's intent regarding the right-of-way swap for the exterior sidewalk. Maguire said they would not do the swap, to go ahead and pay into the sidewalk fund and when the time arose, they would buy the right-of-way back.

ORDINANCE NO. 2005-83

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.

The meeting recessed at 3:00 p.m. and reconvened at 3:12 p.m.

[\(09/06/05 - 23 - 3:12 p.m.\)](#)

12. PUBLIC HEARING - PUD 2005-15, WILDWOOD PLANTATION PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 58.31 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A SINGLE-USE PROJECT CONSISTING OF NINETY-FOUR (94) SINGLE-FAMILY DWELLING UNITS. THE SITE IS LOCATED NORTHEAST OF WILDWOOD DRIVE, NEAR US 1, AND PROPOSES A SINGLE VEHICULAR ACCESS POINT ONTO WILDWOOD DRIVE. ADDITIONAL VEHICULAR ACCESS IS NOT PROPOSED. THE DEVELOPMENT PROGRAM INCLUDES THE PROVISION OF FIVE (5) FOOT SIDEWALKS ALONG WILDWOOD DRIVE WITH FOUR (4) FOOT SIDEWALKS PROPOSED ALONG ONE SIDE OF THE INTERNAL ROAD NETWORK. THE DEVELOPMENT PROGRAM ALSO INCLUDES 1.75 ACRES OF RECREATION AND 17.82 ACRES OF CONSERVATION AREAS. THE TOTAL PERCENTAGE OF OPEN SPACE EQUALS 43% OF THE PROJECT SITE (25.29 ACRES). THE LOT SIZES ARE PROPOSED TO BE A MINIMUM OF 8,000 SQUARE FEET. THE MAXIMUM BUILDING COVERAGE OF EACH LOT IS PROPOSED AS 50%. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: OPEN RURAL (OR), RESIDENTIAL SINGLE-FAMILY 1 (RS-1), RESIDENTIAL SINGLE-FAMILY (RS-3) AND COMMERCIAL GENERAL (CG). THE PLANNING AND ZONING

AGENCY RECOMMENDED APPROVAL, WITH A NOTATION TO REVIEW THE SURVEY OF THE MDP MAP, OF THIS REZONING REQUEST AT THEIR JULY 2, 2005 HEARING BY A VOTE OF 3/3, A TECHNICAL DENIAL VOTE. A NEW MOTION WAS NOT OFFERED. DISCUSSION DURING THE AGENCY COMMENTING PERIOD CENTERED ON CONCERNS ABOUT GROWTH, MAINTAINING QUALITY OF LIFE, TRAFFIC MOVEMENTS AND SCHOOL IMPACTS

Proof of publication of the notice of public hearing regarding PUD 2005-15, Wildwood Plantation, was received, having been published in *The St. Augustine Record* on August 22, 2005.

Lindsay Haga, Planner III, informed the Board that she submitted a revised master development map during the break, which addressed the PZA's comments dealing with the notation to revise the MDP map to address the survey of the legal description. Haga said she also distributed the capacity, or rezoning, letters provided by the school district that explained that capacity was available. (3:14 p.m.) George McClure, 170 Malaga Street, Suite A, representing Ken Atlee, explained the plan of development by addressing the upland acreage, wetland acreage, the zoning classification, the neighboring property uses, ingress and egress, central water and sewer, recreational amenities, wetland buffers, and the granting of an easement to the County for access and maintenance of the drainage system that would extend from the eastern property boundary across to the top of the bank and extending not less than 20 feet upland of the edge of the bank. (3:23 p.m.) Bryant disclosed ex-parte communication stating he met with Mr. Atlee, Mrs. Taylor, and Mr. Upchurch regarding the ditch and the buffers. Discussion followed regarding the speed limit on Wildwood Drive near the entrance to the proposed development, school zones, and having the recreational facilities totally completed by 25% of the total buildout. (3:31 p.m.) Stern declared ex-parte communication; she spoke with George McClure, Karen Taylor, Mr. Atlee, and Mr. Upchurch regarding the application, and they discussed the site plan, the ditch with the drainage issues and traffic concerns. Discussion followed regarding the amount of traffic on Wildwood Drive, whether the school buses would go into the project, and school bus shelters. (3:37 p.m.) Bryant submitted a letter and some pictures of the ditch from Mr. Matt Swart. (3:38 p.m.) McClure clarified that the applicant would grant to the County an easement over the entire easterly portion of the property to the west edge of the bank, plus a minimum of 20 feet; they would provide the school bus shelter and bike racks; and confirmed that the recreational amenities would be completed no later than 25% of build-out of the project. (3:39 p.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to enact Ordinance No. 2005-84, known as PUD 2005-15 Wildwood Plantation PUD; subject to the three conditions: 1) the applicant would grant to the County an easement over the entire easterly portion of the property to the west edge of the bank, plus a minimum of 20 feet; 2) the applicant would provide the school bus shelter and bike racks; and 3) the recreational amenities would be completed no later than 25% of build-out of the project.**

ORDINANCE NO. 2005-84

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 UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(09/06/05 - 25 - 3:40 p.m.)

13. PUBLIC HEARING - SANCHEZ DEVELOPMENT AGREEMENT EXTENSION - THE FIRST OF TWO REQUIRED PUBLIC HEARINGS WAS HELD ON AUGUST 23, 2005. THIS IS THE SECOND PUBLIC HEARING TO CONSIDER AN EXTENSION OF THE EXPIRATION DATE FOR THE SANCHEZ DEVELOPMENT AGREEMENT. THE SANCHEZ DEVELOPMENT AGREEMENT (AGREEMENT) WAS APPROVED BY ST. JOHNS COUNTY ON AUGUST 22, 1995, BY AND BETWEEN THE 800 ACRE INVESTMENT PARTNERSHIP, THE DRAINAGE ASSOCIATION, INC., THE CANAL AUTHORITY, L.C. AND ST. JOHNS COUNTY. IT RELATED TO THE DEVELOPMENT OF THE SAWMILL LAKES PUD AND THE ODUM'S MILL PUD. THE AGREEMENT REMAINS IN EFFECT UNTIL THE EARLIER OF THE DATE ON WHICH THE CONSTRUCTION IS COMPLETE OR THE TENTH ANNIVERSARY OF THE EFFECTIVE DATE. THE TENTH ANNIVERSARY OF THE EFFECTIVE DATE IS SEPTEMBER 30, 2005.

Proof of publication of the notice of public hearing regarding Sanchez Development Agreement Extension was received, having been published in *The St. Augustine Record* on August 8, 2005.

Teresa Bishop, Planning Director, announced that this was the second required public hearing on the Sanchez Development Agreement Extension. (3:42 p.m.) Maguire disclosed ex-parte communication; he spoke with Teresa Bishop numerous times regarding this agreement. (3:42 p.m.) **Motion by Maguire, seconded by Rich, carried 5/0, to approve a six month extension of the Sanchez Development Agreement to March 31, 2006.**

(09/06/05 - 25 - 1:33 p.m.)

14. UPDATE ON THE WIDENING OF A1A NORTH

James Bennett, P.E. Florida Department of Transportation, gave the presentation on the widening and resurfacing of SR A1A North. He said the project was designed primarily to preserve the pavement and there would be no swale construction, but they would work with property owners to assure they would be able to access their driveways. He said they would address concerns of property owners during the process and they would be notified in advance of the construction. He said construction was scheduled to start on November 7, 2005. He noted bike paths would be located on the east shoulder of the roadway and would be four feet wide. He said the construction contract called for 180 days, but did not address inclement weather.

(09/06/05 - 25 - 3:42 p.m.)

15. CONSIDER AN APPOINTMENT TO THE HOUSING FINANCE AUTHORITY

Melissa Lundquist, Administrative Coordinator, explained that there was one vacancy due to a resignation of a member, and only one application was received. Discussion followed regarding the one application. (3:48 p.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to continue this item until later in the day or possibly the next meeting.** (3:57 p.m.) Subsequently, Tom Crawford, Director of Housing and Community Services, relayed the qualifications of the applicant; then recommended she be appointed to the Housing Finance Authority. (4:00 p.m.) **Motion by Stern, seconded by Rich, carried 5/0, to appoint Ann Mathis Doak to the Housing Finance Authority for a partial term scheduled to expire March 10, 2008.**

(09/06/05 - 26 - 3:48 p.m.)

16. CONSIDER MOTION THAT ST. JOHNS COUNTY ASSIST IN THE PROVISION OF RESTROOMS AT THE A STREET PLAZA, ADJACENT TO THE A STREET BEACH RAMP, BY PROVIDING WATER AND SEWER SERVICE AND PAYING HALF OF THE UNIT CONNECTION FEES

Dan Weimer, Director of Parks and Recreation, requested permission to assist the City of St. Augustine Beach in construction of the A Street Plaza restrooms by waiving certain fees, and by providing water and sewer services. Discussion followed on whether impact fees were involved in this project; also discussed were other fees. (3:53 p.m.) **Motion by Bryant, seconded by Rich, that St. Johns County assist in the provision of restrooms at the A Street Plaza, adjacent to the A Street Beach Ramp, by providing water and sewer service and paying half of the unit connection fees out of the beach toll collections and if there were any impact fees owed on the building, that the County pay for those impact fees also.** Discussion followed on the impact fees. (3:57 p.m.) **The motion carried 5/0.**

(09/06/05 - 26 - 4:01 p.m.)

- 16a. CERTIFICATION OF LOCAL GOVERNMENT APPROVAL FOR NONPROFIT ORGANIZATION

Isabelle Lopez, Senior Assistant County Attorney, explained the certification and relayed the request to continue this item to September 20, 2005. (4:04 p.m.) Bosanko informed the Board that he serves as a volunteer on an advisory board for the Salvation Army; therefore, he asked Isabelle Lopez to advise the Board on this issue. (4:05 p.m.) Maguire informed the Board that he also serves as a volunteer on an advisory board for the Salvation Army, and would recuse himself from voting on this issue. Discussion followed on what funding criteria were involved and which agencies could be funded. (4:11 p.m.) *It was the consensus of the Board to continue this agenda item to September 20, 2005.*

(09/06/05 - 26 - 4:12 p.m.)

17. CONSIDER MOTION TO INCLUDE THE DISCUSSED MISCELLANEOUS BUDGETING ISSUES THAT HAVE BOARD CONSENSUS IN THE FY 2006 ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONER'S BUDGET

Doug Timms, Director of the Office of Management and Budget, presented the Board with a list of miscellaneous budget issues that needed Board approval. Timms explained each request, as follows:

(4:13 p.m.) Timms relayed the request to construct a new County Animal Control Facility at Stratton Road with the source of funds being from the Commercial Paper Debt Service at an estimated cost of \$1.8 million; for the first year, the debt service would be from the General Fund in the amount of \$164,800. In addition, the Humane Society Budget would be increased by \$48,000 to address the assumption by the County of animal control for the cities of St. Augustine and St. Augustine Beach. Discussion followed regarding this animal control budget request.

(4:17 p.m.) Timms explained the request to add \$36,000 for additional support to Meals on Wheels, which is an independent agency through the Council on Aging, from the General Fund. This would increase total County funding from \$118,677 to \$154,677.

(4:17 p.m.) Timms relayed the request to add \$80,000 from the General Fund to the Sheriff's Law Enforcement Budget for a Weed and Seed deputy and related vehicle and equipment for West Augustine. The Weed and Seed federal grant application would be

sent in by September 1, but this expenditure would not be reimbursable by the grant, but would be considered as part of the County's required match. The Weed and Seed grant in the first year would be \$175,000, with the possibility of increasing to \$250,000 in the second year. The grant is not a part of the 2006 budget yet, but would be recognized as unanticipated revenue if and when received.

(4:18 p.m.) Timms explained the request to add \$36,000 to the JALA contract for a cost of living and other cost factor increases. The current funding was \$20,762.50 per month, or \$249,150 annually, with the General Fund currently subsidizing over 73% of the Fund. This would require a General Fund transfer. The total County budget would increase by \$72,000.

(4:20 p.m.) Timms relayed the request to add \$28,000 from the General Fund to Veteran Services contractual services to enhance transportation to Gainesville, or other areas, primarily for medical services to veterans.

(4:21 p.m.) Deputy Clerk Yvonne King entered the meeting; Deputy Clerk Terry Bulla left the meeting.

Discussion followed regarding transportation for medical services for veterans.

(4:47 p.m.) Timms explained the request to close the Julington Creek MSD Fund, which was a special revenue fund that currently had a balance of \$1,584 proposed to be remitted to the Julington Creek CDD; this fund had not been used since FY1997.

(4:48 p.m.) Timms relayed the request to close the Jail Debt Service Fund because the project had been completed. The fund did earn interest in the process of paying the bonds, and the balance from the interest was roughly \$12,087, which was proposed to be transferred to the General Fund.

(4:49 p.m.) Timms explained that the recommended General Fund budget had included \$10,000 for property insurance that the County was funding for the COA building. The County was, therefore, continuing to budget the property insurance to maintain adequate insurance coverage.

(4:52 p.m.) Bryant brought up the issue regarding funding for Flagler Hospital to continue Baker Act services in an amount up to \$100,000 in grant match money.

(4:54 p.m.) Motion by Stern, seconded by Bryant, carried 5/0, to include the discussed miscellaneous budgeting issues that have Board consensus in the FY2006 St. Johns County Board of County Commissioners' Budget, including the Baker Act services at Flagler Hospital.

(09/06/05 - 28 - 5:35 p.m.)

18. PUBLIC HEARING - ADOPTION OF TENTATIVE MILLAGE RATES & BUDGET FOR FY 2006 - FLORIDA STATUTES 129.03 AND 200.065 REQUIRE THE BOARD OF COUNTY COMMISSIONERS (BCC) ADOPT ITS MILLAGE RATES AND BUDGET FOR THE NEXT FISCAL YEAR (FY) AT A PUBLIC HEARING. THAT HEARING MUST BE HELD AFTER 5:00 PM, IF SCHEDULED ON A DAY OTHER THAN SATURDAY. THE SEPTEMBER 6, 5:30 PM HEARING DATE HAS BEEN NOTICED, AS REQUIRED, IN THE RECENT MAILING OF NOTICES OF PROPOSED PROPERTY TAXES (TRIM) BY THE COUNTY'S PROPERTY APPRAISER. FLORIDA STATUTES PRESCRIBE A SPECIFIC ORDER FOR THE CONSIDERATION OF ITEMS AT THE PUBLIC HEARING. THE FIRST SUBSTANTIVE ISSUE OF DISCUSSION MUST BE THE PERCENTAGE INCREASE IN THE COUNTY'S AGGREGATE MILLAGE RATE OVER THE ROLLED-BACK RATE. THE ROLLED-BACK RATE IS DEFINED AS THE AGGREGATE MILLAGE RATE THAT WOULD GENERATE THE SAME LEVEL OF PRIOR YEAR TAX REVENUES LESS CERTAIN DEFINED ALLOWANCES (SUCH AS NEW CONSTRUCTION). THE PERCENTAGE INCREASE FOR FY 2006 IN THE COUNTY'S AGGREGATE MILLAGE RATE OVER THE ROLLED-BACK RATE IS 14.75%. INCLUDED IN THE DISCUSSION MUST BE THE SPECIFIC PURPOSES FOR WHICH THE AD VALOREM TAX REVENUES ARE BEING INCREASED OVER THE ROLLED-BACK RATE. THE GENERAL PUBLIC SHALL BE ALLOWED TO SPEAK AND TO ASK QUESTIONS PRIOR TO ADOPTION OF ANY MEASURES BY THE BCC. THE BCC SHALL ADOPT BY RESOLUTION ITS TENTATIVE MILLAGE RATES PRIOR TO ADOPTING ITS TENTATIVE BUDGET FOR FY 2006. THE BCC WILL ALSO NEED TO ESTABLISH A DATE, TIME AND PLACE FOR A PUBLIC HEARING FOR ITS FINAL MILLAGE AND BUDGET ADOPTION. IT IS RECOMMENDED THAT THE BCC ESTABLISH TUESDAY, SEPTEMBER 20, 2005 AT 5:30 PM, IN THE COUNTY AUDITORIUM, FOR ITS FINAL HEARING

Doug Timms, Director of the Office of Management & Budget, explained that this was the first of two public hearings on the proposed budget for FY2006. Timms reviewed the procedures as prescribed by Florida Statute 200.65; then, announced that the percentage increase over the rolled back rate was 14.75%.

(5:41 p.m.) Mike McQuiston, 216 Rivers Edge, Picolata, requested the Board roll back the millage rate to the proposed rolled back rate of 14.2083.

(5:44 p.m.) Don Heine, 21 Fullerwood Drive, commented in opposition to the increase in his property taxes.

(5:48 p.m.) Kathy Heller, 4075 Quail Drive, commented in opposition to the increase in her property taxes.

(5:51 p.m.) Sherry Badger, 2772 S. Collins Avenue, commented in opposition to the increase in her property taxes.

(5:53 p.m.) Timms announced that the taxing authority was St. Johns County; the rolled back rate was 6.0653; the percentage increase in property taxes over the rolled back rate was 14.75%; and the tentative aggregate millage rate was 6.9600. (5:55 p.m.) **Motion by Bryant, seconded by Stevenson, to adopt Resolution No. 2005-259, establishing the tentative millage rate for FY 2006.** Discussion followed regarding the budget and the rolled back rate. (6:12 p.m.) **The motion carried 5/0.**

RESOLUTION NO. 2005-259

RESOLVED, THAT THE FOLLOWING TENTATIVE MILLAGE RATE IS HEREBY SET BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FOR ALL PROPERTY IN ST. JOHNS COUNTY, AS OF JANUARY 1, 2005:

General Fund	4.930
County Transportation Trust Fund	.900
County Health Unit Trust Fund	.020
Fire District, County-wide Except City of St. Augustine	1.200
Vilano Street Lighting District	.069
St. Augustine South Street Lighting District	.143
Julington Creek Municipal Service District	.000
AGGREGATE MILLAGE RATE	6.9600
Rolled-back Rate	6.0653
Percentage increase in Property Taxes over rolled-back rate:	14.75%

(6:12 p.m.) Timms explained the FY2006 tentative budget. (6:14 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to adopt Resolution No. 2005-260, establishing the tentative budget for FY 2006.**

RESOLUTION NO. 2005-260

RESOLVED, THAT THE FOLLOWING FISCAL YEAR 2006 TENTATIVE BUDGET OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DEVELOPED USING THE CERTIFIED TAXABLE VALUE OF \$17,376,750,194, GENERATING AN ESTIMATED \$120,942,429 IN TAXES, IS HEREBY ADOPTED, RESULTING IN A TOTAL BUDGET OF \$530,848,044, AS FOLLOWS:

General Fund	\$148,909,202
<u>Special Revenue Funds</u>	
County Health Unit Trust Fund	\$369,573
Court Facilities Trust Fund	\$728,320
Building Services Fund	\$14,326,237
Law Enforcement Trust Fund	\$18,027
State Housing Initiatives Partnership (SHIP) Fund	\$4,035,536
Mental Health Fund	\$5,012,666
Community Based Care Fund	\$4,167,744
Utility Authority Fund	\$171,972
County Transportation Trust Fund	\$49,635,371

Beach Services Fund	\$2,084,570
County Pier Fund	\$220,479
Tourist Development Tax Fund	\$5,939,878
Tree Bank Fund	\$374,586
Galimore Memorial Center Fund	\$55,618
Alcohol & Drug Abuse Trust Fund	\$129,042
Communication Surcharge Fund	\$670,097
Choose Life License Fund	\$14,223
Driver's Safety Education Fund	\$207,939
West Augustine CRA Fund	\$500,292
Flagler Estates CRA Fund	\$286,450
Vilano Beach CRA Fund	\$5,564,166
Florida Boating Improvement Fund	\$1,355,929
Housing Abatement Fund	\$82,331
Impact Fee Funds	\$32,194,041
Florida Arts License Plate Fund	\$15,541
Davis Park Fund	\$50,889
E-911 Communications Fund	\$1,361,034
Fire District Fund	\$29,425,802
Sidewalk Mitigation Fund	\$64,339
World Commerce Center DRI Fund	\$79,450
Vilano Street Lighting District Fund	\$61,674
Elkton Drainage District Fund	\$28,710
St. Augustine S. Lighting Dist Fund	\$39,469
Julington Creek M.S.D. Fund	\$0
Treasure Beach M.S.B.U. Fund	\$4,143
Thompson Bailey Rd M.S.B.U. Fund	\$19,204
Private Roads M.S.B.U. Fund	\$22,309
C. H. Arnold Road M.S.B.U. Fund	\$13,432
Rusty Anchor/Wendover Rd. M.S.B.U. Fund	\$1,787
Northwest Tower Fund	\$60,809
Crimes Prevention Trust Fund	\$118,925
Court Innovation Fund	\$94,266
Court Technology Fund	\$1,904,389
Legal Aid Fund	\$249,150
Law Library Fund	\$109,077
<u>Debt Service Funds</u>	
Transportation Debt Service Fund	\$1,111,988
03 Transportation Improvement Debt Service	\$3,542,153
Refunded Jail Debt Service Fund	\$0
Refunded Courthouse Debt Service Fund	\$1,528,081
Ponte Vedra MSD Sewer Debt Service Fund	\$1,194,664
Commercial Paper Debt Service Fund	\$1,753,502
04 Sales Tax Bonds Debt Service Fund	\$2,102,586
GE Capital Debt Service Fund	\$155,771
04 Flagler Estates CRA Debt Service Fund	\$49,427
05 Revenue Sharing Debt Service Fund	\$1,052,606
<u>Capital Project Funds</u>	
Northwest Road Project Fund	\$1,245,351

Library Expansion Fund	\$27,250
Park Projects Fund	\$5,314,772
Recreation Projects Fund	\$1,475,320
N. Holmes Blvd. Fund	\$1,159,454
03 Bond Transportation Projects Fund	\$8,660,210
Sewer Construction Fund	\$64,555
Detention Facility Lighting Fund	\$0
04 Sales Tax Bond Projects Fund	\$27,549,971
Southeast Annex Construction Fund	\$2,335,000
Transit System Capital Project Fund	\$2,612,201
05 Revenue Sharing Projects Fund	\$19,343,010
 <u>Enterprise Funds</u>	
Solid Waste Fund	\$25,729,215
St. Johns County Utility Services Fund	\$88,152,038
Convention Center Fund	\$2,549,711
St. Johns County Golf Course Fund	\$2,466,765
Amphitheater Fund	\$1,000,617
 <u>Internal Service Funds</u>	
Worker Compensation Fund	\$4,795,282
Group Health Insurance Fund	\$13,097,856

(6:15 p.m.) Motion by Stern, seconded by Stevenson, carried 5/0, to set a public hearing on September 20, 2005 at 5:30 p.m., in the County Auditorium, to consider the adoption of the final millage rates and budget for FY 2006.

(09/06/05 - 31 - 4:55 p.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant addressed the land acquisition for the potential Veterans nursing home being in the 5-year CIP program; whether it would replace an existing project or it being a project added to the list.

Bryant suggested a workshop be scheduled regarding mixed-use areas. Discussion followed regarding discussing mixed-use areas at the special meeting scheduled for September 13, 2005.

(5:00 p.m.)

Commissioner Maguire:

Maguire addressed a real estate scam he received in the mail informing property owners that their property taxes were delinquent and their property may be sold by the tax collector. Maguire informed the public of this scam.

Maguire questioned the status of hiring a transportation planner. Adams said an offer would be made this week.

Maguire questioned the Industrial Overlay criteria. Bishop explained the Industrial Overlay criteria, and said it was proposed to be completed within the next 30 days and possibly be adopted into the LDC.

Bishop informed the Board that the State of Florida Department of Community Affairs contacted her approximately a month ago regarding St. Johns County possibly participating in a pilot program for school concurrency.

Maguire suggested a retreat be scheduled for the Board in District 5. Adams said he would contact the Alligator Farm for the retreat.

(5:10 p.m.)

Commissioner Stern:

Stern reported that she received a copy of a list from the Town of Hastings to be included in the County's proposed 2006 Legislative Action Plan; then, suggested the Hastings' Town Council members be invited to attend St. Johns County Day to address their specific issues.

(5:12 p.m.)

Commissioner Stevenson:

Stevenson reported on the town meeting held on September 31, 2005 in District 1; said there were two outcomes: one was they made an offer to let the CDD buy the parcel if they were interested; and secondly, they would go from multi-family to estate type density.

(5:26 p.m.)

Commissioner Rich:

Rich addressed the real estate scam previously mentioned by Maguire.

Rich said he supported the retreat.

(09/06/05 - 32 - 5:17 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced the relief effort to be held on Thursday at 8:15 a.m. in the courtyard for all County employees to bring their donations.

(09/06/05 - 32 - 5:23 p.m.)

CLERK OF COURT'S REPORT

No report.

(09/06/05 - 32 - 5:24 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko requested authorization to pay, from the County Attorney's Budget, \$2,227.50 for the Surfrider mediation. (5:25 p.m.) *It was the consensus of the Board to authorize the payment from the County Attorney's Budget.*

Bosanko informed the Board of the educational seminar in Orlando sponsored by Nabors Giblin, regarding county finance for county commissioners and top-level officials.

The meeting recessed at 5:27 p.m. and reconvened at 5:35 p.m. with the public hearing on the tentative Millage and budget.

(6:16 p.m.) Motion by Rich, seconded by Stern, carried 5/0 to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:16 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, Checks No. 371608 through 371636; totaling \$1,470.98 (08/18/05)
2. St. Johns County Board of County Commissioners' Check Register, Checks No. 371637 through 372243; totaling \$3,090,006.12 (08/23/05)

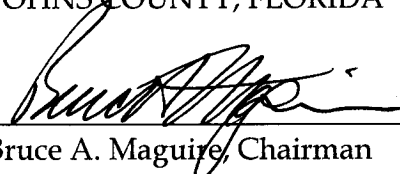
CORRESPONDENCE:

1. Letter to Martha (Nell) Porter, City Clerk, regarding the agreement between the City of St. Augustine and St. Johns County for Automatic/Mutual Aid by Resolution No. 2005-181 (08/25/05)
2. Letter to the Secretary of State filing St. Johns County Ordinances Number 2005-74 through 2005-77 (08/29/05)

Approved _____ October 18 _____, 2005

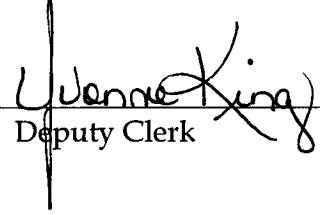
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____


Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: _____


Deputy Clerk

