

NOTE:

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**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
NOVEMBER 1, 2005  
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were:           Bruce A. Maguire, District 4, Chairman  
                          James E. Bryant, District 5, Vice Chairman  
                          Ben Rich, District 3  
                          Ben W. Adams, Jr., County Administrator  
                          Dan Bosanko, County Attorney  
                          Lenora Newsome, Deputy Clerk

Also present:           Cheryl Strickland, Clerk of Courts

(11/01/05 - 1 - 9:00 a.m.)

CALL TO ORDER

Maguire called the meeting to order.

(11/01/05 - 1 - 9:02 a.m.)

ROLL CALL

Maguire announced that three commissioners were present, with Stern and Stevenson not yet at the meeting.

(9:02 a.m.) Commissioner Cyndi Stevenson, District 1, entered the meeting.

(11/01/05 - 1 - 9:02 a.m.)

Rich gave the invocation and Bryant led the Pledge of Allegiance.

(9:03 a.m.) Commissioner Karen R. Stern, District 2, entered the meeting.

(11/01/05 - 1 - 9:03 a.m.)

PUBLIC COMMENT

(9:03 a.m.) John Hewins, 188 Edge of Woods Road, requested the renewal of the County's matching agreement with St. Johns Vision, Inc., be placed on the agenda for the next BCC agenda. Bryant responded. Maguire directed Adams to place the requested item on the next BCC meeting. Adams replied that it would be placed on the November 15<sup>th</sup> agenda.

(9:06 a.m.) Gloria Rivera, 101 Dolphin Blvd., thanked everyone for trying to help take care of her sewer spill situation. She spoke on the sewer spill and getting it cleaned up. She also spoke on her family having to move from place to place, her things being in storage and the costs adding up. Rivera mentioned that St. Johns Service Company had never offered to help them move nor to help pay on a storage unit that she had to rent to hold some of her things that didn't get damaged, but were still contaminated. Rich spoke on her relocation issue and on him being notified by St. Johns Service Company that they had an escrow account for Rivera to draw off of to do the repairs to her home.

He asked Adams to make sure someone got in touch with Rivera about the status of the escrow account. Adams replied that Neal Shinkre, St. Johns County Utility Engineer, was present to speak on this issue. He mentioned that he had an appointment with Mr. Stein and Mr. Brookshire tomorrow morning at 10:00 a.m. He would make appointments with the commissioner to give them a complete update on this issue.

(9:19 a.m.) Neal Shinkre, St. Johns County Utility, gave an update on the Moss Creek Lane cleanup. Stern spoke on Dolphin Cove and Ms. Rivera. Bryant asked legal if they have done everything they could do to legally bring a resolution to this issue. Bosanko stated that he believed that they had, and that it had come down to a civil matter. (9:26 a.m.) Michael Hunt, Deputy County Attorney, entered the meeting.

(9:27 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on Consent Agenda Item 9, stating that all three organizations, H.A.W.K.E., Noah's Ark, and St. Johns Wildlife had closed their doors to all new wildlife coming in because they were full. He stated that H.A.W.K.E. receives financial aid from the County and the two other agencies needed financial aid also.

(11/01/05 - 2 - 9:36 a.m.)  
DELETIONS TO CONSENT AGENDA

Maguire requested to pull Consent Item 19 and place it on the Regular Agenda as Item A1.

(11/01/05 - 2 - 9:36 a.m.)  
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:  
09/13/05 - BCC Special Meeting
3. Sheriff's Office Bonds:  
Approve:            Joeffrey Alvarez    Justin Anderson  
                         Shannon Andrews   Roger Barr                            Braddy Bichler  
                         Jason Briggs        Chad Carpenter                       Andrew Carre  
                         Jeffery Carroll     Spencer Craven                        Stephen Greene  
                         Audrey Keally      Michael Lovell                         Matthew Michelsen  
                         Jared Monie         Donato Santoro                        Nickolas Swan  
                         Gerald Thompson   Harry White, Jr.                       Sheldon York  
Cancel:                Matthew Skipper
4. Motion to adopt **Resolution No. 2005-332**, approving a final plat for Sea Pines II

**RESOLUTION NO. 2005-332**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SEA PINES II**

5. Motion to adopt **Resolution No. 2005-333**, accepting a Deed of Dedication for additional right-of-way for County Road 210 West for roadway, sidewalk, or utility improvements that may be needed

**RESOLUTION NO. 2005-333**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION FOR ADDITIONAL RIGHT-OF-WAY FOR COUNTY ROAD 210 WEST FOR ROADWAY, SIDEWALK, OR UTILITY IMPROVEMENTS THAT MAY BE NEEDED

6. Motion to adopt **Resolution No. 2005-334**, accepting a Deed of Dedication for additional right-of-way for County Road 210 West for roadway, sidewalk, or utility improvements that may be needed

**RESOLUTION NO. 2005-334**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION FOR ADDITIONAL RIGHT-OF-WAY FOR COUNTY ROAD 210 WEST FOR ROADWAY, SIDEWALK, OR UTILITY IMPROVEMENTS THAT MAY BE NEEDED

7. Motion to adopt **Resolution No. 2005-335**, accepting a Deed of Dedication for additional right-of-way for County Road 210 West for roadway, sidewalk, or utility improvements that may be needed

**RESOLUTION NO. 2005-335**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION FOR ADDITIONAL RIGHT-OF-WAY FOR COUNTY ROAD 210 WEST FOR ROADWAY, SIDEWALK, OR UTILITY IMPROVEMENTS THAT MAY BE NEEDED

8. Motion to adopt **Resolution No. 2005-336**, approving the terms of a Lease Agreement from Porter St. Johns, Inc., authorizing rental space in Depot Plaza to St. Johns County; authorizing the County Administrator to execute the Lease Agreement on behalf of the County; and instructing the Clerk of Courts of St. Johns County to file the Lease Agreement in the official records of the county

**RESOLUTION NO. 2005-336**

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LEASE AGREEMENT FROM PORTER ST. JOHNS, INC., AUTHORIZING RENTAL SPACE IN DEPOT PLAZA TO ST. JOHNS COUNTY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE COUNTY, AND INSTRUCTING THE CLERK OF COURTS OF ST. JOHNS

**COUNTY TO FILE THE LEASE AGREEMENT IN THE  
OFFICIAL RECORDS OF THE COUNTY**

9. Motion to adopt **Resolution No. 2005-337**, and direct the County Administrator to execute the Contract for Provision of Financial Assistance between the Board of County Commissioners of St. Johns County, Florida and Humane Association of Wildlife Care and Education, Inc. (HAWKE)

**RESOLUTION NO. 2005-337**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
APPROVING THE TERMS, PROVISIONS,  
CONDITIONS, AND REQUIREMENTS OF A  
CONTRACT FOR THE PROVISION OF FINANCIAL  
ASSISTANT TO THE HUMANE ASSOCIATION OF  
WILDLIFE CARE AND EDUCATION, INC., AND  
AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE THE CONTRACT RENEWAL ON BEHALF OF  
THE COUNTY**

10. Motion to approve the transfer of \$68,000 from General Fund Reserves (0083-59920) to the Health and Human Services Center (0093-56300) for the completion of the upgrades to the HVAC system in the east wing of the Health and Human Services Center Building
11. Motion to adopt **Resolution No. 2005-338**, recognizing unanticipated revenue in the amount of \$750,000 and increasing the General Fund Physical Environment Federal Grant (0001-33130) and Federal Grant Expenditure budget of Housing & Community Services (0001-0094-55304) in the same amount

**RESOLUTION NO. 2005-338**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
AMENDING THE FISCAL YEAR 2006 GENERAL FUND  
TO RECEIVE UNANTICIPATED REVENUE AND  
AUTHORIZE ITS EXPENDITURE BY THE HOUSING  
AND COMMUNITY SERVICES DEPARTMENT**

12. Motion to authorize the Human Resources Department to hire a temporary employee through one of their existing employment agencies to work in the Construction Services Department for a maximum of six months; and motion to authorize transfer of \$15,340.00 from General Fund Reserves [0083-59920] to Construction Services Contractual Services [0005-53120] to cover a temporary office employee's wages
13. Motion to approve the transfer of \$103,532 from Fire Impact Fees Capital Outlay Reserves (1180-59927) to Fire Impact Fees Buildings (1172-56200) for the completion of the I-95 fire station construction
14. Motion to award a purchase order to 10-8 Fire Equipment as the Florida supplier of SCBA manufactured by Mine Safety Appliances; and motion to adopt **Resolution No. 2005-339**, recognizing unanticipated revenue in the amount of \$63,440 and increasing the Federal Grant Expenditure budget line [1224-55304] of the Fire District Fund by the same amount

RESOLUTION NO. 2005-339

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2006 FIRE SERVICES FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS FIRE RESCUE DEPARTMENT

15. Motion to approve the transfer of \$50,000 from General Fund Reserves (0083-59920) to Agricultural Center Building Improvements (0052-56300) for the replacement of a wall at the Agricultural Center
16. Motion to approve the transfer of \$8,000 from General Fund Reserves (0083-59920) to Judicial/Admin Complex Operations Building Improvements (0032-56300) for the installation of a catwalk
17. Motion to authorize the County Administrator, or his designee, to enter into contract with M.J. Stavola Industries at the unit prices as submitted with Bid 06-05, Annual Limerock Base and Stabilized Base Requirements, and to allow three annual renewals for a total contract length of up to four (4) years (*See Attachment A*)
18. Motion to authorize the County Administrator, or his designee, to enter into two separate contracts, as follows: Atlantic View Water Main Improvements with the low bidder, T. B. Landmark Construction, Inc., for the base bid of \$963,940.00, and Windswept Acres Water Main Improvements with MGA Construction, Inc., for the base bid of \$900,280.00 (*See Attachment B*)
19. Motion to adopt a resolution approving the terms and conditions of an FCT Grant Contract between St. Johns County and the Florida Communities Trust, for the Beluthahatchee Park property, authorizing the County Administrator to execute the contract on behalf of the County, designating Shorty Robbins as key contact for the project, and instructing the Clerk of the Courts to file the contract in the official records of the County

*This item was pulled and placed on the Regular Agenda as Item A1.*

20. Motion to adopt a resolution approving the terms and conditions of an FCT Grant Contract between St. Johns County and the Florida Communities Trust, for Nease Beachfront Park property, authorizing the County Administrator to execute the contract on behalf of the County, designating Shorty Robbins as key contact for the project, and instructing the Clerk of the Courts to file the contract in the official records of the County

*This item was pulled and placed on the Regular Agenda as Item A1.*

21. Motion to establish public hearing dates on November 15, 2005 at 5:30 p.m. and December 13, 2005 at 9:00 a.m. to consider amendments to the Land Development Code

(11/01/05 - 5 - 9:37 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

**ST. JOHNS COUNTY  
 BID TABULATION**



**BID TITLE**  
 ANNUAL LIMEROCK BASE AND  
 STABILIZED BASE  
 REQUIREMENTS

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

**OPENED BY**  
 LEIGH DANIELS

**TABULATED BY**  
 CELIA KLING

**BID NUMBER**  
 BID NO. 06-05

**VERIFIED BY**

**OPENING DATE/TIME**  
 SEPTEMBER 28, 2005 2:00 P.M.

**FROM** UNTIL

**POSTING TIME/DATE**  
 9/28/2005 3:00 PM

10/03/2005 3:00 PM

**PAGE (S)** 1 **OF** 1 **PAGE (S)**

BIDDERS	BID ITEM # 1A DELIVERED PRICE PER TON SIMMS P/T	BID ITEM # 1A DELIVERED PRICE PER TON SMITH RD P/T	BID ITEM # 1B W/O DELIVERY PRICE PER TON	BID ITEM # 2A DELIVERED PRICE PER TON SIMMS P/T	BID ITEM # 2A DELIVERED PRICE PER TON SMITH RD P/T	BID ITEM # 2B W/O DELIVERY PRICE PER TON	BID ITEM # 3 TRANSPORTATION CHARGE	ADDEND # 1
M. J. STAYOLA INDUSTRIES	\$15.41	\$14.10	\$5.50	\$16.41	\$15.10	\$6.50	\$6.00 ton per loaded miles for first 10 miles; then \$2.00 per ton thereafter. Prices quoted is using tractor trailers for delivery of limerock material	

Consent #17  
 11/1/05

Attachment "A"

BID AWARD DATE - \_\_\_\_\_

# ST. JOHNS COUNTY BID TABULATION



OPENED BY  
**LEIGH DANIELS** *[Signature]*

TABULATED BY  
**KAREN WISEMAN** *[Signature]*

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**  
ATLANTIC VIEW WATER MAIN IMPROVEMENTS & WINDSWEPT ACRES WATER MAIN IMPROVEMENTS

**BID NUMBER**  
BID NO. 05-120

**OPENING DATE/TIME**  
SEPTEMBER 7, 2005 2:00 P.M.

**POSTING TIME/DATE**  
FROM 9/07/2005 4:00 PM UNTIL 9/12/2005 4:00 PM

PAGE(S) 1-A OF 2 PAGE(S)

Consent #18  
11/1/05

BIDDERS	BASE BID PART A ATLANTIC VIEW	BASE BID PART B WINDSWEPT ACRES	ADDITIVE ALTERNATE BID NO. B1 WINDSWEPT	ADDITIVE ALTERNATE BID NO. B2 WINDSWEPT	ADDITIVE ALTERNATE BID NO. B3 WINDSWEPT	BASE BID PART C ATLANTIC VIEW & WINDSWEPT COMBINED
KENT BROS. INC.	\$1,049,950.00	NO BID	NO BID	NO BID	NO BID	NO BID
TBLANDMARK CONSTRUCTION INC.	\$963,940.00	\$675,096.00	\$162,720.00	\$67,862.00	\$185,143.11	\$1,639,036.00
GIBBS & REGISTER, INC.	\$1,408,000.00	\$949,000.00	\$369,000.00	\$155,000.00	\$316,000.00	\$2,307,000.00
JENSEN CIVIL CONSTRUCTION, INC.	\$1,157,300.00	\$964,450.00	\$324,440.00	\$124,565.00	\$260,600.00	\$2,121,750.00
MGA CONSTRUCTION, INC.	NO BID	\$900,280.00	\$309,430.00	\$128,953.00	\$237,492.00	NO BID

Attachment "B"

BID AWARD DATE - \_\_\_\_\_



Bryant requested to add the upsizing of the sewer main along Watson Road from a six - inch to a ten-inch line as Item A2. Adams requested to add the Bakersville Fire Station contractor termination for a time certain at 1:30 p.m. as Item 10a, and to add the RFQ concerning the St. Johns Lobbyist Services as Item 16a.

(11/01/05 - 6 - 9:38 a.m.)

APPROVAL OF REGULAR AGENDA

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

Maguire stated that Item 3, with Kevin Hyde, would be heard around 11:15 a.m. and that they did not anticipate starting any item before Item 11 prior to lunch.

(11/01/05 - 6 - 9:40 a.m.)

A1. MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN FCT GRANT CONTRACT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA COMMUNITIES TRUST, FOR THE BELUTHAHATCHEE PARK PROPERTY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY, DESIGNATING SHORTY ROBBINS AS KEY CONTACT FOR THE PROJECT, AND INSTRUCTING THE CLERK OF THE COURTS TO FILE THE CONTRACT IN THE OFFICIAL RECORDS OF THE COUNTY (*Formerly Consent Item 19*)

Maguire explained why he pulled this item. Troy Blevins, Parks Operations Manager, mentioned that Consent Agenda Item 20 was worded the same as Consent Agenda Item 19, so it needed to be pulled too, so that it could also be corrected.

(9:41 a.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to review the Consent Agenda again, reconsidering the approvals on all of the Consent with pulling Items 19 and 20 and the balance will be up for approval again. Motion by Stern, seconded by Rich, carried 5/0, to approve the Consent Agenda as amended.**

(9:42 a.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-341, approving the terms and conditions of an FCT Grant Contract between St. Johns County and the Florida Communities Trust, for the Beluthahatchee Park property, authorizing the County Administrator to execute the contract on behalf of the County, designating the County Administrator or his designee, as key contact for the project, and instructing the Clerk of the Courts to file the contract in the official records of the County.**

#### RESOLUTION NO. 2005-341

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A FLORIDA COMMUNITIES TRUST GRANT CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE FLORIDA COMMUNITIES TRUST, FOR THE BELUTHAHATCHEE PARK PROPERTY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY, DESIGNATING THE COUNTY ADMINISTRATOR OR DESIGNEE AS KEY CONTACT FOR THE PROJECT, AND INSTRUCTING THE CLERK

OF THE COURTS TO FILE THE CONTRACT IN THE  
OFFICIAL RECORDS OF THE COUNTY

(9:42 a.m.) Motion by Maguire, seconded by Rich, carried 5/0, to approve the transfer of \$25,000 from Impact Fees Parks Zone A Reserves (1196-59920) to the Impact Fees Parks Zone A Land Account (1195-56100).

MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN FCT GRANT CONTRACT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA COMMUNITIES TRUST, FOR NEASE BEACHFRONT PARK PROPERTY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY, DESIGNATING SHORTY ROBBINS AS KEY CONTACT FOR THE PROJECT, AND INSTRUCTING THE CLERK OF THE COURT TO FILE THE CONTRACT IN THE OFFICIAL RECORDS OF THE COUNTY (*Formerly Consent Item 20*)

(9:43 a.m.) Motion by Maguire, seconded by Stern, carried 5/0, to adopt Resolution No. 2005-342, approving the terms and conditions of an FCT Grant Contract between St. Johns County and the Florida Communities Trust, for Nease Beachfront Park property, authorizing the County Administrator to execute the Contract on behalf of the County, designating the County Administrator, or his designee, as key contact for the project, and instructing the Clerk of the Courts to file the contract in the official records of the County.

RESOLUTION NO. 2005-342

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A FLORIDA COMMUNITIES TRUST GRANT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE FLORIDA COMMUNITIES TRUST, FOR THE NEASE BEACHFRONT PARK, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY, DESIGNATING THE COUNTY ADMINISTRATOR OR DESIGNEE AS KEY CONTACT FOR THE PROJECT, AND INSTRUCTING THE CLERK OF THE COURTS TO FILE THE CONTRACT IN THE OFFICIAL RECORDS OF THE COUNTY

(9:44 a.m.) Motion by Maguire, seconded by Rich, carried 5/0, to adopt Resolution No. 2005-343, recognizing unanticipated revenue in the amount of \$911,028.75, and increasing the Recreation Department Land Account (0079-56100) to be used as part of the county match for the Beluthahatchee Property.

RESOLUTION NO. 2005-343

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2006 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION DEPARTMENT

(11/01/05 - 8 - 9:44 a.m.)

A2. UPSIZE SEWER MAIN ALONG WATSON ROAD FROM 6 INCHES TO 10 INCHES

Neal Shinkre, Utility Engineering Manager, stated that six months ago, on May 18<sup>th</sup>, the Board approved the upsizing of the 6 inch sewer main to a 10 inch main. He mentioned that the original contractor didn't work out, so they were going to the second one on the list, Kadin Corporation, for \$73,450.00. (9:46 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to authorize the County Administrator, or his designee, to enter into contract with Kadin Corporation for \$73,450.00, to upsize the sewer main along Watson Road.**

(11/01/05 - 8 - 9:46 a.m.)

1. CONSIDER APPOINTMENTS TO THE CATEGORY II ARTS/GRANTS FUNDING PANEL

Melissa Lundquist, Administrative Coordinator, reviewed this item. **Motion by Rich, seconded by Bryant, carried 5/0, to reappoint Barry W. Myers, Jr., to the Category II Arts/Grants Funding Panel for a full three-year term scheduled to expire September 30, 2008.**

(9:47 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to reappoint Jo Ann Feder to the Category II Arts/Grants Funding Panel for a full three-year term, scheduled to expire September 30, 2008.**

(11/01/05 - 8 - 9:48 a.m.)

2. CONSIDER APPOINTMENT TO THE HIV HEALTH SERVICES PLANNING COUNCIL

**Motion by Stern, seconded by Stevenson, carried 5/0, to appoint Ms. Susan Shirk to the HIV Health Services Planning Council.**

*The meeting moved to Item 4.*

(11/01/05 - 8 - 11:15 a.m.)

3. PRESENTATION BY KEVIN HYDE, CITY OF JACKSONVILLE COUNCIL PRESIDENT

Kevin Hyde, City of Jacksonville Council President, reviewed his credentials, and spoke on three issues: the increase in growth and how to pay for it; regional impact; and growth management. Bryant stated that he would like to see Duval County join St. Johns County in trying to promote the idea of a real estate transfer fee on a county level. Rich stated that he did not support the real estate transfer tax as an either/or in reference to the impact fee. Hyde spoke on their budget cycle and changes made. Stern spoke on the real estate transfer fee.

(11:42 a.m.) Maguire spoke on regionalism and the MPO, issues affecting the St. Johns River, and the two Sheriff's Offices having a tight relationship.

The meeting recessed for lunch at 11:43 a.m.

(11/01/05 - 8 - 9:49 a.m.)

4. UPDATE ON THE SR 207 RAILS TO TRAILS

Fred Wright, FDOT Consultant Project Management, gave a presentation on the SR 207 Rails to Trails Project, Exhibit A. He spoke on the FDOT public involvement meeting, the project location map, the project phases, and the pedestrian/recreational trail.

(10:01 a.m.) Shorty Robbins spoke on property adjacent to active rail lines and trails.

(11/01/05 - 9 - 10:05 a.m.)

5. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN NOTE AND OTHER RELATED DOCUMENTS ASSOCIATED WITH THE COUNTY'S PARTICIPATION IN THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION AND THE BORROWING OF \$2,000,000 TO CONSTRUCT A NEW ANIMAL CONTROL FACILITY FOR THE COUNTY

Jean Mangu, County's General Finance Counsel, presented a package that was put together to allow the County to borrow \$2,000,000 for the purpose to build an animal control facility. She said where the funds would come from to build it would be discussed today. (10:09 a.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2005-340, authorizing the execution and delivery of the loan note and other related documents associated with the County's participation in the Pooled Commercial Paper Loan Program of the Florida Local Government Finance Commission, and the borrowing of \$2,000,000 to construct a new animal control facility for the County.**

#### RESOLUTION NO. 2005-340

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, THAT SUPPLEMENTS ST. JOHNS COUNTY RESOLUTION NOS. 99-138, 2001-78 AND 2005-8; MAKES FINDINGS; PROVIDES DEFINITIONS; AUTHORIZES THE COUNTY TO BORROW \$2,000,000 (THE "EIGHTH LOAN") FOR THE PROJECT DESCRIBED HEREIN FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION; PLEDGES CERTAIN NON-AD VALOREM FUNDS TO THE PAYMENT OF THE EIGHTH LOAN; APPROVES THE TERMS AND CONDITIONS OF THE NOTE THAT WILL EVIDENCE THE EIGHTH LOAN; AUTHORIZES A NEGOTIATED SALE OF THE EIGHTH LOAN NOTE; AUTHORIZES THE EXECUTION AND DELIVERY OF THE EIGHTH LOAN NOTE; DIRECTS THE COUNTY ADMINISTRATOR TO ENSURE THAT CERTAIN TASKS ARE PERFORMED; AUTHORIZES THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS; AND PROVIDES AN EFFECTIVE DATE

*The meeting moved to item 8.*

(11/01/05 - 9 - 10:35 a.m.)

6. CONSIDER MOTION TO ACCEPT THE COUNTY'S 2025 MASTER PARK AND RECREATION PLAN AND CONSIDER AMENDING THE COMPREHENSIVE PLAN LEVEL OF SERVICE STANDARDS

Dan Weimer, Director, Recreation and Parks Department, stated that the County's Comprehensive Plan required that by 2005 the County adopt a long range plan for provisions of park and recreation services within the County. He stated that the provisions of the plan called for: 1) the adoption of a 20-year Master Plan, and 2) required that the Board recommend that the Planning Department ask for amendments to the Comprehensive Plan that would take three acres away from the twenty acres of regional park land level of service designation, and transfer that into a new category called urban parks, which provided more family oriented activities within the communities that they serve.

(10:38 a.m.) Alfred Guido, 104 Dogwood Drive, Vice Chair of the Recreation Advisory Board, deferred to the Chairman of the Recreation Advisory Board.

(10:38 a.m.) Daniel Stewart, 112 Dogwood Drive, Chairman of the Recreation Advisory Board, stated that the most crucial aspect they accomplished was the Master Plan, and that he believed that the Master Plan should be readily adopted by the County Commission.

(10:40 a.m.) Sean Sacco, 590 Madeore Street, spoke in favor of the 2005 Master Park and Recreation Plan. (10:43 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to accept the County's 2025 Master Park and Recreation Plan and consider amending the Comprehensive Plan level of service standards.**

(10:46 a.m.) Maguire recessed the BCC meeting and convened the CRA Board.

(11/01/05 - 10 - 10:46 a.m.)

7. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF A SUBORDINATION AGREEMENT, AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

Tom Crawford, Director of Housing and Community Services, reviewed this item stating that this was an oversight not an add on. **Motion by Stern, seconded by Rich, carried 5/0, to adopt Resolution No. 2005-5, accepting the terms of a Subordination Agreement and authorizing the Chairman of the Board to execute the agreement on behalf of St. Johns County Community Redevelopment Agency.**

#### RESOLUTION NO. 2005-5

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING THE TERMS OF A SUBORDINATION AGREEMENT AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE AGREEMENTS ON BEHALF OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY ALLOWING SUBORDINATION OF THE MORTGAGE IN FAVOR OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

(10:47 a.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to adjourn the CRA meeting and reconvene the BCC meeting.**

*The meeting moved to item 9.*



(11/01/05 - 11 - 10:10 a.m.)

8. PRESENTATION CONCERNING STATE LAND PROPOSALS BY MR. MARK MIDDLEBROOK, LAMP CONSERVATION BOARD CHAIRMAN

Mark Middlebrook, Chair of the L.A.M.P. Board, advised the BCC of some things at the State level that may have an impact on land acquisitions within St. Johns County. He mentioned that monies set aside for St. Johns County, in terms of purchasing land within the St. Johns River Blueway or the northeast Florida Blueway Phase 1, could be severely diminished. (10:16 a.m.) Bosanko left the meeting.

(10:19 a.m.) Cheryl Strickland, Clerk of Courts, spoke on Doc Stamp revenues for the County.

(10:19 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the Audubon Society, spoke on the County not really matching funds, and on imposing a one-cent sales tax to get revenue.

The meeting recessed at 10:24 a.m. and reconvened at 10:35 a.m. with Cheryl Strickland leaving the meeting.

*The meeting moved back to item 6.*

(11/01/05 - 11 -10:48 a.m.)

9. PUBLIC HEARING - ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING ECONOMIC INCENTIVE PROGRAM - ON MARCH 16, 2005, THE BOARD OF COUNTY COMMISSIONERS ENACTED ORDINANCE 2005-27, WHICH AMENDED, SUPPLEMENTED, AND REVISED CERTAIN ASPECTS, PROVISIONS, AND FEES OF THE COUNTY'S IMPACT FEE ORDINANCES. BEFORE AND AFTER THE ENACTMENT OF ORDINANCE 2005-27, SOME RESIDENTS OF THE COUNTY QUESTIONED WHETHER THE INCREASE IN RESIDENTIAL IMPACT FEES WOULD CREATE A NEGATIVE IMPACT ON PRESERVING AND PROMOTING AFFORDABLE HOUSING IN CERTAIN SITUATIONS. SUBSEQUENT TO THE ENACTMENT OF ORDINANCE 2005-27, THE BOARD DIRECTED STAFF TO DEVELOP, DRAFT, AND PREPARE A POLICY AND NEW ORDINANCE THAT WOULD LESSEN THE POTENTIAL NEGATIVE EFFECT OF RESIDENTIAL IMPACT FEE INCREASES IN CERTAIN SITUATIONS, SO AS TO PRESERVE AND PROMOTE AFFORDABLE HOUSING WITHIN THE COUNTY. THIS ORDINANCE IS REFLECTIVE OF THE BOARD'S DIRECTIVE. THIS ORDINANCE ESTABLISHES AN AFFORDABLE HOUSING ECONOMIC INITIATIVE PROGRAM IN ORDER TO PRESERVE AND PROMOTE AFFORDABLE HOUSING WITHIN THE COUNTY AND LESSEN THE POTENTIAL NEGATIVE EFFECT OF RESIDENTIAL IMPACT FEE INCREASES IN CERTAIN SITUATIONS

Proof of publication of the notice of public hearing on the Affordable Housing Economic Incentive Program Ordinance was received, having been published in *The St. Augustine Record* on October 18, 2005.

Michael Hunt, Deputy County Attorney, reviewed this item: an Ordinance establishing an Affordable Housing Economic Incentive Program.

(10:50 a.m.) Jerry Doyle, 1308 Turtle Dunes Court, representing KB Homes, spoke on this item, encouraging the Board not to impose a lien on affordable housing. Discussion followed on affordable housing and incentives, the 20% rule on page 4, and not

imposing a lien. (11:05 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance 2005-101.**

**ORDINANCE NO. 2005-101**

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING AN AFFORDABLE HOUSING ECONOMIC INCENTIVE PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AMOUNT ALLOCATED FOR AFFORDABLE HOUSING ECONOMIC INCENTIVE ASSISTANCE; PROVIDING APPLICABILITY OF THE AFFORDABLE HOUSING ECONOMIC INCENTIVE PROGRAM; PROVIDING FOR LIMITATIONS ON THAT PROGRAM; PROVIDING FOR NO EFFECT ON THE EDUCATIONAL FACILITIES IMPACT FEE; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PROCEDURE FOR SEEKING ASSISTANCE; PROVIDING FOR DISQUALIFICATION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR ELIGIBILITY FOR OTHER MEASURES; PROVIDING FOR AFFORDABLE HOUSING ECONOMIC INCENTIVE ASSISTANCE FOR GRANDFATHERED AFFORDABLE HOUSING PROJECTS; PROVIDING FOR IMPOSITION OF LIEN ON QUALIFIED RESIDENTIAL UNITS THAT RECEIVE AFFORDABLE HOUSING ECONOMIC INCENTIVE ASSISTANCE; PROVIDING FOR AN EFFECTIVE DATE**

(11/01/05 - 12 - 11:06 a.m.)

10. PUBLIC HEARING - BALD EAGLE MANAGEMENT PLAN FOR BALD EAGLE NEST SJ-025 - THE APPLICANT SEEKS A WAIVER TO SECTIONS 4.01.10.B, C AND D, OF THE LAND DEVELOPMENT CODE (LDC), HABITAT MANAGEMENT FOR THE BALD EAGLE, FOR BALD EAGLE NEST SJ-025. THE REQUEST IS TO ALLOW CONSTRUCTION OF A CANOE LAUNCH, A FISHING PIER, A PAVILION AND PAVED HIKING TRAILS IN THE PRIMARY ZONE DURING THE NON-NESTING SEASON AT THE VAILL POINT PARK AND TO CONSTRUCT A BANK STABILIZATION PROJECT IN THE SECONDARY ZONE DURING THE NESTING SEASON WITH AN APPROVED BALD EAGLE MONITOR AT THE MOULTRIE CREEK BLUFFS

Proof of publication of the notice of public hearing on the Bald Eagle Management Plan for Bald Eagle Nest SJ-025 was received, having been published in *The St. Augustine Record* on October 8, 2005.

Jan Brewer, Environmental Manager, mentioned that she had to add a change to the packet as an addition to the waiver regarding placing signs at the location of all the trails to notify individuals during the bald eagle nesting season. Rich disclosed exparte communication with Brewer regarding eagle issues.

(11:09 a.m.) Patrick McCormack, Assistant County Attorney, and Dan Bosanko, County Attorney, entered the meeting and Michael Hunt left the meeting.

(11:07 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., voiced his concerns, and asked that this item be approved with the change, protecting the eagles from unnecessary noise. (11:12 a.m.) **Motion by Rich, seconded by Stevenson, to approve**

**the waiver to Section 4.01.10 B, C and D for Bald Eagle Nest SJ-025 to complete the specified Vaill Point Park improvements and the Moultrie Creek Bluff bank stabilization.** McCormack spoke on the County having control over the monitors and that this did not in anyway assume Federal or State responsibilities. Bosanko mentioned that the issue McCormack spoke on would need more explanation when the language was brought back to the Board. (11:15 a.m.) **The motion carried 5/0.** McCormack left the meeting.

*The meeting moved to Item 3.*

And reconvened at 1:30 p.m. with Maguire, Bryant, Stevenson, Stern, Rich, Adams, Bosanko, and Deputy Clerk Yvonne King present.

(11/01/05 - 13 - 1:34 p.m.)

10a. BAKERSVILLE FIRE STATION #4 (AKA I-95 FIRE STATION)/CONTRACTOR TERMINATION

Michael Rubin, Director of Construction Services, explained the reasons for the contract termination; said the company failed to complete the work in a timely manner; they failed to supply enough properly skilled workers; they failed to provide proper supervisory personnel, and has consistently disregarded laws, ordinances, rules and regulations of orders of any proper authority. Discussion followed regarding terminating the contract. (1:40 p.m.) Clint Wright, Attorney for Cribbs Construction Company, recommended the County consider hiring a replacement architect for this project. Discussion followed on the contract. (1:51 p.m.) **Motion by Rich, seconded by Stern, carried 5/0, to allow the County Administrator to terminate the contract per provisions in the contract under Section 12.2.2, with or without cause, and authorize the Construction Services Department to complete the work by whatever methods it may deem expedient and, per Section 12.2.2.1, withhold further payment until the work is finished.**

(11/01/05 - 13 - 1:52 p.m.)

11. PUBLIC HEARING - TRANSMITTAL HEARING FOR FILE #CPA-2005-08, PACETTI'S MARINA - FILE #CPA-2005-08, KNOWN AS PACETTI'S MARINA, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM RURAL COMMERCIAL TO RESIDENTIAL DENSITY - D, AND TO AMEND THE FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE OF THE CAPITAL IMPROVEMENTS ELEMENT. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THIS REQUEST TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, POSSIBLY IN THE FIRST QUARTER OF 2006

Proof of publication of the notice of public hearing on the transmittal hearing on CPA 2005-08, Pacetti's Marina was received having been published in *The St. Augustine Record* on September 21, 2005.

Maguire declared a conflict of interest, filed Form 8B, Memorandum of Voting Conflict, and recused himself from acting on this issue because his family owns property in close proximity to the subject property. Teresa Bishop, Planning Director, explained the proposed amendment to the Future Land Use Map to change the designation from Rural Commercial to Residential Density D and to amend the Five-Year Capital



Improvement Schedule of the Capital Improvements Element to provide for the extension of water and sewer lines to serve the proposed project that could be generated from the potential amendment. Discussion followed regarding the growth rate of the county and the number of units in the project. (2:05 p.m.) Bishop informed the public of the Comprehensive Plan Citizen Advisory List on the back table that if someone signs the list, they would get notification from DCA at the time the amendment gets adopted.

(2:06 p.m.) John Metcalf, 245 Riverside Avenue, representing Mr. and Mrs. Pinkham Pacetti, Applicants, gave a PowerPoint presentation, which included: the location of the site; the existing development on the property; existing and proposed land use; and existing surrounding development. Metcalf then entertained questions from the Board regarding the density of the project.

(2:24 p.m.) George McClure, 170 Malaga Street, representing Toll Brothers Inc., the developers of the property, addressed the density of the project.

(2:32 p.m.) Pinkham Pacetti, Owner of the property, gave a history of the Pacetti family in St. Augustine; gave a history of Pacetti's Marina; then, requested the Board approve the transmittal.

(2:39 p.m.) Nicholas Morris, 5661 Crosswinds Court, Orangedale, commented in opposition to the property being rezoned to Residential Density D.

(2:44 p.m.) John Collins, 6605 Collier Road, commented in favor of the transmittal.

(2:45 p.m.) Duane Wint, 6550 SR 13 N, commented in favor of the transmittal.

(2:46 p.m.) Lynn Reeff, 117 Edge of Woods Road, World Golf Village, commented in favor of the transmittal.

(2:47 p.m.) Paige Pacetti Carlyle, 212 Canton Court, Fruit Cove, commented in favor of the transmittal.

(2:51 p.m.) Ron Meyer, 2902 Claire Lane, commented in favor of the transmittal.

(2:53 p.m.) Beth Meyer, 2902 Claire Lane, commented in favor of the transmittal.

(2:56 p.m.) Cecil Hunter, 6630 SR 16, commented in favor of the transmittal.

(2:57 p.m.) William A. Shad, 6675 Collier Road, Orangedale, commented in opposition to the density of the project.

(2:58 p.m.) Robin Wilson, 9565 CR 13 N., commented in favor of the transmittal.

(2:59 p.m.) Joey Michals, 244 Bell Branch Lane, commented in favor of the transmittal.

The meeting recessed at 3:01 p.m. and reconvened at 3:10 p.m.

(3:11 p.m.) Mike Maguire, 3056 Coastal Highway, commented in favor of the transmittal.

(3:21 p.m.) John Mayall, 8519 Crosswinds Drive, commented in favor of the transmittal.

(3:23 p.m.) Katherine Considine, 6700 Collier Road, commented in opposition to the transmittal.

(3:27 p.m.) Charles Getman, 2806 Adams Road, commented in favor of the transmittal.

(3:29 p.m.) Jon Stump, 5300 SR 13, Orangedale, commented in favor of the transmittal.

(3:33 p.m.) Andrew Kenyon, 8524 Crosswinds Drive, commented in favor of the transmittal.

(3:36 p.m.) David Sweat, 1629 Mapmakers Way, Heritage Landing, commented in favor of the transmittal.

(3:37 p.m.) Kathleen Getman, 2806 Adams Road, commented in favor of the transmittal.

(3:39 p.m.) Janet Zelen, Owner of Skuttlebutts Restaurant, commented in favor of the transmittal.

(3:39 p.m.) Tracy Consodine, 6700 Collier Road, commented in opposition to the density of the project.

(3:48 p.m.) Mike Kuhne, 5165 SR 13N, commented in favor of the transmittal.

(3:55 p.m.) Horace Dowling, 6463 Jack Wright Island Road, commented in favor of the transmittal.

(3:56 p.m.) Paul Fritsch, 6725 SR 13 N., commented in favor of the transmittal.

(4:00 p.m.) John Dinsmore, 5105 SR 13, Orangedale, commented in favor of the transmittal.

(4:01 p.m.) Susan Van Hoek, 7810 Atlantic Road, Riverdale, commented in favor of the transmittal.

(4:05 p.m.) Marc Sokolay, 8461 Hardwood Landing Road, commented in opposition to the density of the project.

(4:07 p.m.) Bob Kincaid, Pacetti's Marina, commented in favor of the transmittal.

(4:09 p.m.) Beverly Griner, 3540 Pacetti Road, commented in favor of the transmittal.

(4:11 p.m.) Betty Ray, 1024 Shore Drive, commented in favor of the transmittal.

(4:12 p.m.) Janice Kukar, 1354 Lee Road, Switzerland, commented in opposition to the transmittal.

(4:15 p.m.) Deputy Clerk Lenora Newsome entered the meeting and Deputy Clerk Yvonne King left the meeting.

(4:15 p.m.) Sydney Vestey, 4902 Sand Castle Drive, spoke in favor of granting the request.

(4:17 p.m.) Greg Brown, 404 Seagate Lane South, spoke in favor of the project.

(4:21 p.m.) Janice Morsch, 2046 River Oaks Drive, spoke in favor of the project.

(4:21 p.m.) Bryant reviewed the current land use and zoning of this property. (4:22 p.m.) Daniel Bosanko, County Attorney, entered the meeting. Bishop listed the things that could go in CHT zoning. Rich voiced his concerns about this project.

(4:29 p.m.) Metcalf spoke on sending it to DCA to let them decide.

(4:31 p.m.) *Motion by Rich to deny transmittal of file CPA-2005-08 for Pacetti's Marina, in which case an adoption hearing will not be scheduled at a future date. The motion failed due to lack of a second.* (4:32 p.m.) **Motion by Bryant, seconded by Stern, to transmit file CPA-2005-08, for Pacetti's Marina, to the Florida Department of Community Affairs and other applicable agencies, to obtain additional review of this proposed amendment to the 2015 Comprehensive Plan to change the Future Land Use Map from Rural Commercial to Residential Density-D; and to amend the Five-Year Capital Improvements Schedule of the Capital Improvements Element, in which case an adoption hearing may be scheduled at a future date with findings of fact 1 through 3 and in Sections B, J, and three and five of the Development Agreement to limit the residential density to 224 units and the height to no more than three stories; the phasing would be 112/112 instead of 150/150 in section three.** Stevenson spoke on being very concerned about the transportation in the area. Maguire asked Bishop if she got a chance to look at the traffic report. Bishop responded. (4:38 p.m.) **The motion carried 3/1 with Rich opposed and Maguire recused.**

The meeting recessed at 4:39 p.m. and reconvened at 4:47 p.m. Bosanko left the meeting.

(11/01/05 - 16 - 4:47 p.m.)

12. PUBLIC HEARING - TRANSMITTAL HEARING FOR FILE #CPA-2005-07, STATE ROAD 16 PROPERTY - FILE #CPA-2005-07, KNOWN AS STATE ROAD 16 PROPERTY, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY-B. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THIS REQUEST TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, POSSIBLY IN THE FIRST QUARTER OF 2006

Proof of publication of the notice of public hearing on the transmittal hearing for CPA 2005-07, State Road 16 Property, was received, having been published in *The St. Augustine Record* on September 21, 2005.

Teresa Bishop, AICP, Planning Director, reviewed this item, stating that Staff did not support this amendment and the PZA motion to transmit failed by a 2/3 vote.

(4:49 p.m.) Susan Green, Green & Kupperman, Inc., 200 First Street, Neptune Beach, representing the property owner, gave a brief presentation, Exhibit A. Bryant stated that he supported it. Lopez mentioned that there was no development agreement with Turnbull as of yet, and that they were ahead of schedule for school currency. (5:01 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/1 with Rich opposed, to transmit File CPA-2005-07, State Road 16 Property, to the Florida Department of Community Affairs and other applicable agencies, to obtain additional review of this proposed amendment to the 2015 Comprehensive Plan to change the Future Land Use Map from Rural Silviculture (R/S) to Residential Density-B with findings of fact 1 through 3.**

(11/01/05 - 17 - 5:03 p.m.)

13. PUBLIC HEARING - TRANSMITTAL HEARING FOR FILE #CPA-2005-09, MILL CREEK RANCH, LLC - FILE #CPA-2005-09, KNOWN AS MILL CREEK RANCH, LLC, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM RURAL COMMERCIAL TO RESIDENTIAL DENSITY-D, AND TO AMEND THE FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE OF THE CAPITAL IMPROVEMENTS ELEMENT. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THIS REQUEST TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, POSSIBLY IN THE FIRST QUARTER OF 2006

Proof of publication of the notice of public hearing on the transmittal hearing on CPA 2005-09, Mill Creek Ranch, LLC, was received, having been published in *The St. Augustine Record* on September 21, 2005.

Teresa Bishop, AICP, Planning Director, pointed out an error on the agenda page in the request. Discussion followed on how many houses this could add to the inventory, having an agreement to agree instead of a developer's agreement, and who was responsible for widening the road up to the intersection. (5:15 p.m.) Bill Hartman, St. Johns County Transportation Planning Manager, spoke on the new St. Johns County model coming out in the future.

(5:18 p.m.) Frank Miller, 245 Riverside Avenue, Jacksonville, clarified the errors corrected by Bishop. He gave a presentation, Exhibit A. Bishop spoke on the wetland bonuses. Miller spoke on making improvements to the intersections. Bryant questioned the intersection improvements. (5:37 p.m.) Joe Stephenson, Public Works Director, gave the alternative that could be available for the intersection improvements. Stern spoke on school concurrency and school sites. Miller stated that this developer had provided school sites to the School Board. Rich spoke on needs analysis. Lopez spoke on Bryant's comment on intersections. Maguire spoke on what he liked about this item. Bryant reminded the Board that they had transmittals twice a year and stated that he would like to delay this transmittal until the June cycle. Stern spoke on what she liked about this item. (5:57 p.m.) **Motion by Stern, seconded by Stevenson, to transmit File CPA-2005-09, Mill Creek Ranch, LLC, to the Florida Department of Community Affairs and other applicable agencies, to obtain additional review of this proposed amendment to the 2015 Comprehensive Plan to change the Future Land Use Map from Agricultural-Intensive (A-I) and Rural Silviculture (R/S) to Residential Density-B, and to amend the Five-Year Capital Improvements Schedule of the Capital Improvements Element, in which case an adoption hearing may be scheduled at a future date.** Rich voiced his concerns. Maguire asked after transmitting to DCA, could changes be made to the amount of units. Lopez replied that it could be changed. (6:01 p.m.) **The motion carried 3/2 with Rich and Bryant in opposition.**

The meeting recessed at 6:01 p.m. and reconvened at 6:05 p.m.

*The meeting moved to Item 17.*

Bosanko and Barrow left the meeting and Lopez entered the meeting after item 17.

(11/01/05 - 18 - 6:55 p.m.)

14. PUBLIC HEARING - TRANSMITTAL HEARING FOR FILE #CPA-2005-03, H.E. WOLFE TRUST, ET AL - FILE #CPA-2005-03, KNOWN AS H.E. WOLFE TRUST, ET AL, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY-C AND CONSERVATION (CV) DESIGNATIONS; TO ADD A NEW POLICY TO THE FUTURE LAND USE ELEMENT TO PROVIDE A SITE-SPECIFIC DENSITY RESTRICTION; AND TO AMEND THE FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE OF THE CAPITAL IMPROVEMENTS ELEMENT. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THIS REQUEST TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, POSSIBLY IN THE FIRST QUARTER OF 2006

Proof of publication of the notice of public hearing on the transmittal hearing for CPA 2005-03, H.E. Wolfe Trust, was received, having been published in *The St. Augustine Record* on September 21, 2005.

Teresa Bishop, AICP, Planning Director, reviewed this item stating that Staff had concerns with this amendment, the financial feasibility, the growth rate, and the timing.

(6:57 p.m.) Gary Davenport, P.O. Box 1012, Flagler Beach, representing the property owner Ned Ross and his family, gave a presentation, Exhibit A.

(7:06 p.m.) Brian Wheeler, from Genesis Group, gave a presentation, Exhibit B. (7:12 p.m.) Daniel Bosanko, County Attorney, entered the meeting. Stern mentioned the drainage problems along North Francis Road. Davenport spoke on meeting with the residents in the area on providing a buffer and on solving drainage problems in the area. Stern spoke on addressing school needs. Bishop responded. Bosanko stated that with a period of transition, there was a lot of risk here and the Board should consider whether to transmit this amendment or not. (7:33 p.m.) Davenport stated that there was no risk at transmittal to DCA for their review, comments and review of the statutes.

(7:34 p.m.) Ned Ross, Wolfe Road, spoke in favor of this amendment.

(7:39 p.m.) Robin Motes, 4700 North Francis Road, spoke on land being used for a park and conservation.

(7:42 p.m.) Jarrett Motes, 4700 North Francis Road, spoke on the good faith agreement between the developers of H. E. Wolfe Trust and North Francis Road residents, Exhibit C.

(7:51 p.m.) Hank Whetstone, 400 Old Quarry Road, spoke on houses and property being so much higher in St. Johns County than in surrounding counties.

The meeting recessed at 7:57 p.m. and reconvened at 8:05 p.m.

(8:06 p.m.) **Motion by Rich, seconded by Bryant, to deny transmittal of File CPA-2005-03 for H. E. Wolfe Trust, et al, in which case an adoption hearing will not be scheduled at a future date.** Davenport spoke on agreeing to work with the residents in the area. Maguire stated that he liked the concept of this development and that he



would support it if it came back as a DRI. (8:16 p.m.) **The motion carried 4/1 with Stern in opposition.**

(11/01/05 - 19 - 8:17 p.m.)

15. PUBLIC HEARING - TRANSMITTAL HEARING FOR FILE #CPA-2005-06, CYNTHIA TAYLOR PROPERTY - FILE #CPA-2005-06, KNOWN AS CYNTHIA TAYLOR PROPERTY, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY-B, AND TO AMEND THE FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE OF THE CAPITAL IMPROVEMENTS ELEMENT. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THIS REQUEST TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, POSSIBLY IN THE FIRST QUARTER OF 2006

Proof of publication of the notice of public hearing on the transmittal hearing for CPA 2005-06, Cynthia Taylor Property, was received, having been published in *The St. Augustine Record* on September 21, 2005.

Teresa Bishop, AICP, Planning Director, reviewed this item, stating that the PZA recommended approval of this request, but Staff was concerned about the timing and financial feasibility.

(8:18 p.m.) George McClure, 170 Malaga Street, spoke on the history of the residents of this property.

(8:29 p.m.) Cynthia Taylor, 7085 U.S. 1 South, thanked everybody for their time and attention on this issue, distributing a letter, Exhibit A. Maguire questioned the mortgage and going to Residential-B zoning. McClure responded. Maguire questioned the Developer's Agreement. McClure spoke on the Developer's Agreement. Discussion followed on the Developer's Agreement, and this not being a capacity issue. Maguire voiced his concerns. (8:40 p.m.) Taylor spoke on investing some of her property and wanting to have her property restored back to the original status. Bosanko voiced his concerns. Bosanko spoke on entering into a Development Agreement with the intention to comply with it. Lopez spoke on the DCA wanting to see a binding development agreement. Bishop explained what DCA's concerns were. McClure stated that he would like an opportunity to talk to DCA. *Lopez spoke on restructuring the language in the development agreement to allow up to ten years for improvements.* (9:02 p.m.) **Motion by Rich, seconded by Stevenson, to transmit File CPA-2005-06, Cynthia Taylor Property, to the Florida Department of Community Affairs and other applicable agencies, to obtain additional review of this proposed amendment to the 2015 Comprehensive Plan to change the Future Land Use Map from Rural Silviculture (R/S) to Residential Density-B, and to amend the Five-Year Capital Improvements Schedule of the Capital Improvements Element, in which case an adoption hearing may be scheduled at a future date with changes as outlined by counsel. Stevenson mentioned adding to the motion, language to give the School District some timely notice. Rich agreed to the added language by Stevenson and the second agreed.** Bishop stated that it was a Five-Year Capital Improvement schedule and they were moving it out to the reasonably anticipated funding for ten years and asked the Board if they would give Staff the leeway to adjust this Capital Improvement Schedule, so they could move it out an additional ten years. **Rich agreed to Bishop's request, and the second agreed.**

McClure asked to also give the leeway to them. **Rich agreed and the second agreed.** (9:03 p.m.) **The motion carried 5/0.**

(11/01/05 - 20 - 9:04 p.m.)

16. PUBLIC HEARING - TRANSMITTAL HEARING FOR FILE #ACPA-2005-03, GOVERNOR'S PLANTATION - HEARTWOOD - FILE #ACPA-2005-03, KNOWN AS GOVERNOR'S PLANTATION - HEARTWOOD, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM RESIDENTIAL DENSITY-C TO RESIDENTIAL DENSITY-B. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THIS REQUEST TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, POSSIBLY IN THE FIRST QUARTER OF 2006

Proof of publication of the notice of public hearing on the transmittal hearing for ACPA 2005-03, Governor's Plantation - Heartwood, was received, having been published in *The St. Augustine Record* on September 21, 2005.

Teresa Bishop reviewed this item, stating that the applicant was the County. **Motion by Stern, seconded by Stevenson, carried 5/0, to transmit File ACPA-2005-03, for Governor's Plantation - Heartwood, to the Florida Department of Community Affairs and other applicable agencies, to obtain additional review of this proposed amendment to the 2015 Comprehensive Plan to change the Future Land Use Map from Residential Density-C to Residential Density-B.** Lopez left the meeting.

(11/01/05 - 20 - 9:05 p.m.)

16a. RFQ NO. 06-25, ST. JOHNS COUNTY LOBBYIST SERVICES (*See Attachment C*)

Joe Burch, Purchasing Manager, reviewed this item. Maguire gave his opinion on keeping Dr. Wharton as the special lobbyist and pulling money out of the General Reserves for \$25,000 to cover it. He also mentioned giving the General Lobbyist contract to Fiorentino. Discussion followed on having two lobbyists and the amount to pay them. (9:12 p.m.) **Motion by Maguire, seconded by Stern, to reissue a contract to Dr. Wharton for the amount of \$25,000 to continue his work with Medicaid reform and medical issues pertaining to the County for one year.** Rich stated that he supported having Dr. Wharton only for \$50,000. Maguire spoke on lobbyists. Stevenson spoke in favor of lobbyists. (9:17 p.m.) **The motion carried 4/1 with Rich in opposition.** (9:17 p.m.) **Motion by Maguire, seconded by Stern, to select the number two organization in the package Fiorentino & Associates to be the General Lobbyist for the up coming year with a budget of \$50,000.** Bryant stated that he read in the packet that Fiorentino was willing to do it for \$4,000 a month. **Maguire modified the motion to \$4,000 a month for \$48,000 and the second agreed. The motion carried 4/1 with Rich in opposition.**

(6:05 p.m.) Laura Barrow, Assistant County Attorney, and Daniel Bosanko, County Attorney, entered the meeting and Lopez left the meeting.

*The meeting moved to the Commissioners' Reports.*

(11/01/05 - 20 - 6:05 p.m.)

17. PUBLIC HEARING - RATIFY & REAFFIRM PONTE VEDRA ZONING DISTRICT REGULATIONS, ORDINANCE 2003-05 - THIS IS THE SECOND OF





TWO (2) PROPERLY ADVERTISED PUBLIC HEARINGS TO RATIFY AND REAFFIRM THE PONTE VEDRA ZONING DISTRICT REGULATIONS, ORDINANCE 2003-05

Proof of publication of the notice of public hearing on ratifying and reaffirming the Ponte Vedra Zoning District Regulations was received, having been published in *The St. Augustine Record* on October 21, 2005.

Laura Barrow, Assistant County Attorney, reviewed this item.

(6:07 p.m.) Scott Shine, 4390 Richmond Park Drive, Jacksonville, asked that the Board not affirm the parking ban and move to strike it from the ordinance code.

(6:08 p.m.) Ebbie LeMaster, 135 Ponte Vedra Blvd., stated that parking on the boulevard was an issue that needed to be put to rest.

(6:11 p.m.) Mark Arnold, 512 Ponte Vedra Blvd., stated that he supported the ordinance that presently exists.

(6:13 p.m.) Gary Jurenovich, 536 Morningside Drive, mentioned why he was against allowing parking on Ponte Vedra Blvd.: safety, effect on property values, and quality of life for the residents.

(6:16 p.m.) Carl Bloesing, 12 La Vista Drive, asked that the Board reaffirm and ratify Ordinance No. 2003-05.

(6:19 p.m.) Stephen Faustini, 780 N. Ponce de Leon Blvd., on behalf of Cheryl Hayes, asked that the Board ratify and reaffirm the ordinance.

(6:19 p.m.) Deborah Andrews, 11 N. Roscoe Blvd., on behalf of the Surfrider Foundation, spoke on deleting the provision in the ordinance in regards to no parking on Ponte Vedra Blvd.

(6:23 p.m.) Doug Crane, 994 Ponte Vedra Blvd., spoke on parking on Ponte Vedra Blvd.

(6:29 p.m.) James Richardson, 305 Sweetbrier Branch Lane, spoke on the beach belonging to everyone. He didn't think it was right to take public land and turn it into private land. He asked the Board to correct the mistake and repeal the ban.

(6:30 p.m.) Rich spoke on rules applying to everybody. Bosanko replied. Stevenson mentioned that she was looking at it as a safety issue. (6:40 p.m.) Bosanko spoke on the liability issue. Stephenson spoke on parking on the side of the road. (6:53 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/1 with Rich opposed, to ratify and reaffirm previously enacted St. Johns County Ordinance No. 2003-05, the Ponte Vedra Zoning District Regulations, making no amendments, revisions, or modifications thereto, and maintaining the original effective date of January 27, 2003. (The meeting moved to Item 14.)**

(11/01/05 - 21 - 9:19 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson stated that someone in the public made an observation that the County had a lot of outstanding achievements this year in high school football, and that they should be recognized for it before the Board.

Stevenson spoke on considering not taking new applications for new developments outside the current development area, to allow Staff time to catch up with changes made by the State.

(9:22 p.m.)

Commissioner Rich:

Rich spoke on the Commission in San Diego being indicted on failing to act regarding the pension plan for the police.

(9:22 p.m.)

Commissioner Bryant:

Bryant spoke on Medicaid, and stated that the real losers would be the residents of this County.

(9:24 p.m.)

Commissioner Maguire:

Maguire spoke on watching three Sheriff's Deputies haggle with some people for two hours at a rental complex on Vilano Beach where there were known drug and alcohol problems. He mentioned it happened the following day also. Maguire asked if they could generate some kind of service fee when deputies have to go to properties to solve problems when the owners are failing to take due care in managing their property.

Maguire suggested charging a higher fee for videos.

Maguire spoke on someone passing out flyers on making the Intercoastal a no wake zone and it stated that the comments said to call Commissioner Maguire with your comments.

Maguire said kudos to Rich on doing a library reading at the Southeast Library and asked him to demonstrate the little dance that he does.

(9:30 p.m.)

Commissioner Stern:

Stern spoke on next week being the closing retreat for the Northeast Florida Regional Leadership Academy and that it was being held in St. Johns County at the World Golf Village.

Stern spoke on Driver's Education coming back to this County. She asked Bosanko to check on releasing the funds, so they could go to the School District for the program.

(11/01/05 - 22 - 9: 34 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded everyone about the Special BCC meeting next Wednesday, November 9th.

Adams also reminded the Board that the Legislative Delegation would meet here in the auditorium on November 22nd.

(11/01/05 - 22 - 9:36 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(11/01/05 - 22 - 9:36 p.m.)

CLERK OF COURT'S REPORT

No report.

(9:36 p.m.) Motion by Bryant, 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 9:37 p.m.

REPORTS:

1. St. Johns County Check Register; approving checks 374018 through 374295; totaling \$3,936,434.13 (10/11/05)
2. St. Johns County Check Register; approving checks 374296 through 374319 totaling \$38,828.09 (10/13/05)
3. St. Johns County Check Register; approving checks 374320 through 374633; totaling \$2,078,516.14 (10/18/05)

CORRESPONDENCE:

1. Letter from Hartman Consulting requesting a copy of Resolution No. 2005-211 (09/23/05)
2. Letter to the City of St. Augustine Beach regarding an interlocal agreement for animal control (10/18/05)
3. Letter to the Secretary of State filing Ordinances Nos. 2005-97 through 100 (10/25/05)

Approved \_\_\_\_\_ November 15, \_\_\_\_\_ 2005

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Wendee King  
Deputy Clerk

