

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 7, 2006
(9:00 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: James E. Bryant, District 5, Chairman
Cyndi Stevenson, District 1, Vice Chair
Karen R. Stern, District 2
Ben Rich, District 3
Bruce A. Maguire, District 4
Scott Clem, Assistant County Administrator
Dan Bosanko, County Attorney
Terry Bulla, Deputy Clerk

(03/07/06 - 1 - 9:02 a.m.)
CALL TO ORDER BY CHAIR

Bryant called the meeting to order.

(03/07/06 - 1 - 9:02 a.m.)
ROLL CALL

Bryant stated that all five commissioners were present.

(03/07/06 - 1 - 9:03 a.m.)
Stevenson gave the Invocation and Stern led the Pledge of Allegiance.

(03/07/06 -1 - 9:04 a.m.)
PROCLAMATION DESIGNATING MARCH 2006 AS PREVENT BLINDNESS MONTH

Maguire made the presentation to Jerry Stewart with the Florida School for the Deaf & Blind, and to Misty Hart of the Tax Collector's office.

(03/07/06 - 1 - 9:09 a.m.)
PROCLAMATION DESIGNATING MARCH 8, 2006 AS INTERNATIONAL WOMEN'S DAY

Stevenson made the presentation to Marilyn Wiles.

(03/07/06 - 1 - 9:13 a.m.)
ACCEPTANCE OF PROCLAMATIONS

Motion by Stern, seconded by Rich, carried 5/0, to accept the proclamations as presented.

Bryant introduced Dana Leth, from the Housing and Community Services Division Homeownership Program. She showed pictures of the crowd who attended the March 1 orientation meeting regarding affordable housing, and stated that the need was great in as demonstrated by the attendance of 220 participants. General discussion followed.

(03/07/06 - 2 - 9:20 a.m.)

PUBLIC COMMENT

Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, Seaside Development, spoke regarding Mickler's Bend Development, and the clear cutting of trees on the property, the PUD for the building of a commercial building on the property, the fact that the property had been sold to another developer and the subsequent changed Porter PUD for the development which had undergone five "minor" adjustments. She said the changes, which were not so minor, should not have occurred without the knowledge of homeowners in the area, and the County should implement a Neighborhood Bill of Rights. She presented a Resolution to the BCC and asked them to pass the resolution for a Neighborhood Bill of Rights, on behalf of the Seaside Development Board of Directors of Ponte Vedra Beach. General discussion followed noting that the problem was being looked into and staff was responding to her concerns.

(03/07/06 - 2 - 9:33 a.m.)

DELETIONS TO CONSENT AGENDA

Clem asked that item 19 and 20 to be rescheduled at a later date.

(03/07/06 - 2 - 9:33 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Sheriff's Office Bonds:

Cancel: Sarah Brant Harry White
3. Motion to adopt **Resolution No. 2006-53**, recognizing unanticipated revenue in the amount of \$2,066.00 from VFIS and adjusting the appropriate expenditure line item by the same amount

RESOLUTION NO. 2006-53

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2006 FIRE DISTRICT FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING REPAIRS TO A COUNTY FIRE ENGINE

4. Motion to adopt **Resolution No. 2006-54**, for Final Plat for Crescent Cove Subdivision Replat

RESOLUTION NO. 2006-54

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR CRESCENT COVE SUBDIVISION REPLAT

5. Motion to adopt **Resolution No. 2006-55**, for Final Plat for Samara Lakes Parcel B Phase One

RESOLUTION NO. 2006-55

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAMARA LAKES PARCEL B PHASE ONE

6. Motion to adopt **Resolution No. 2006-56**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the improvements to Russell Sampson Road

RESOLUTION NO. 2006-56

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

7. Motion to adopt **Resolution No. 2006-57**, accepting an Easement Agreement for a retention pond required for the drainage to Brinkhoff Road and authorizing the County Administrator to execute the Easement Agreement

RESOLUTION NO. 2006-57

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT AGREEMENT FOR A RETENTION POND REQUIRED FOR THE DRAINAGE TO BRINKHOFF ROAD AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE EASEMENT AGREEMENT

8. Motion to authorize the County Administrator to transfer up to \$175,000.00 from the General Fund Reserves (0083-59920) to Economic Development Contractual Services (0058-53120) to pay for placement of Water and Sewer lines to the Veterans Home Site
9. Motion to adopt **Resolution No. 2006-58**, approving the Release of Restriction for a 72-acre park site off Scaff Road

RESOLUTION NO. 2006-58

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA, APPROVING THE RELEASE OF RESTRICTION FOR A 72-ACRE PARK SITE OFF SCAFF ROAD

10. Motion to adopt **Resolution No. 2006-59**, authorizing the Chairman of the Board to execute a Reciprocal Corrective Quitclaim Deed with Winchester

Development, RLLP, to correct the legal descriptions and clear a cloud on the titles

RESOLUTION NO. 2006-59

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE A RECIPROCAL CORRECTIVE QUITCLAIM DEED TOGETHER WITH WINCHESTER DEVELOPMENT, RLLP, TO CORRECT THE LEGAL DESCRIPTIONS AND CLEAR A CLOUD ON THE TITLES

11. Motion to adopt **Resolution No. 2006-60**, amending and restating Resolution 98-85 of the Board of County Commissioners of, Florida and revising the duties and composition of the Health and Human Services Advisory Council

RESOLUTION NO. 2006-60

A RESOLUTION AMENDING AND RESTATING RESOLUTION NUMBER 98-85 OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND REVISING THE DUTIES AND COMPOSITION OF THE HEALTH AND HUMAN SERVICES ADVISORY COUNCIL

12. St. Johns County Legal Aid Report
13. Motion to authorize transfer of \$150,000.00 from General Fund Reserves (0083-59920) to Legal Fees (0017-53140) for additional outside legal counsel fees
14. Motion to declare the attached list of items as surplus and authorize staff to dispose of same, in accordance with Purchasing Policy 308 and Florida Statute 274
15. Motion to authorize the County Administrator, or his designee, to purchase one (1) fourteen cubic yard dump truck from Freightliner of Tampa, LLC in accordance with Bid No. 06-55, as amended to include a trailer/towing package, in the amount of \$75,538.00
16. Motion to authorize the County Administrator, or his designee to purchase one (1) 2006 roll-off truck from RDK Truck Sales and Service, Inc., in accordance with Bid No. 06-88, in the amount of \$98,685.00
17. Motion to adopt **Resolution No. 2006-61**, recognizing unanticipated revenue in the amount of \$250,000 increasing the expenditure budget of the Sewer Construction Contractual Services (3343-3302-53120) in the same amount

RESOLUTION NO. 2006-61

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2006 SEWER CONSTRUCTION FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS

**EXPENDITURE BY THE PVMSD SEWER PROJECT
DEPARTMENT**

18. Motion to adopt **Resolution No. 2006-62**, recognizing unanticipated revenue in the amount of \$45,785.00, and increasing the expenditure budget of the Solid Waste Refuse-Landfill Building Maintenance (4440-4401-54600) in the same amount

RESOLUTION NO. 2006-62

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE FISCAL YEAR 2006 SOLID WASTE
FUND TO RECEIVE UNANTICIPATED REVENUE AND
AUTHORIZE ITS EXPENDITURE BY THE SOLID
WASTE REFUSE-LANDFILL DEPARTMENT**

19. Motion to adopt a resolution approving the terms and conditions of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between SJC and ABC Roll-Off, and authorizing the County Administrator, or designee, to execute the contract

This item was pulled, to be rescheduled at a later date.

20. Motion to adopt a resolution approving the terms and conditions of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between SJC and Adams Tractor Service, and authorizing the County Administrator, or designee, to execute the contract

This item was pulled, to be rescheduled at a later date.

21. Proofs:
- a. Proof, Notice to Bidders, Bid No. 06-48
 - b. Proof, Notice to Bidders, Bid No. 06-35R
 - c. Proof, Notice to Bidders, Bid No. 06-77
 - d. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting, Wednesday, February 8, 2006 at 9:00am
 - e. Proof, Notice to Bidders, Bid No. 06-88
 - f. Proof, Notice of Meeting, Board of County Commissioners, Special Meeting, Wednesday, February 22, 2006 at 9:00am
 - g. Proof, Notice of Hearing, Board of County Commissioners/ Community Redevelopment Agency, Tuesday, February 7, 2006 at 9:00am
 - h. Proof, Notice of Hearing, Board of County Commissioners, Vacation of Certain Streets, Alleyways or Roads, February 7, 2006 at 9:00am
 - i. Proof, Display Advertisement, Notice Tax Impact of Value Adjustment Board of St. Johns County
 - j. Proof, Notice to Bidders, ITB No. 06-81
 - k. Proof, Notice of Hearing, Board of County Commissioners, Summer Haven MSTU, Tuesday, February 21, 2006 at 9:00am
 - l. Proof, Notice of Hearing, Board of County Commissioners, Vacation of Certain Streets, Alleyways or Roads, February 21, 2006 at 9:00am
 - m. Proof, Notice of Meeting, Board of County Commissioners, Private/Special Meeting, Wednesday, February 22, 2006 at 8:00am
 - n. Proof, Notice to Bidders, Bid No. 06-91
 - o. Proof, Notice to Bidders, Bid No. 06-92

- p. Proof, Notice to Bidders, Bid No. 06-87
- q. Proof, Notice to Bidders, ITB No. 06-84
- r. Proof, Notice to Bidders, ITB No. 06-79

(03/07/06 - 6 - 9:34 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant asked that Item 3 be pulled from the Regular Agenda and be placed on the next Consent Agenda. Stevenson asked that a new item be added regarding the Babcock Ranch Funding as Item 15a. Maguire asked that an item be added as Item 3, to replace the original deleted Item 3, a presentation on Fire protection by Chief Bobby Hall.

(03/07/06 - 6 - 9:37 a. m.)

APPROVAL OF REGULAR AGENDA

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

(03/07/06 - 6 - 9:37 a.m.)

1. FLORIDA POWER & LIGHT RATE INCREASE PRESENTATION

Gene Burns, Facilities Maintenance Manager, introduced Rusty Rasello, Account Manager for St. Johns County, with FPL, who gave the presentation on FPL's Rate Increase, why it was necessary, how it would affect the County's bill and alternative energy sources to high fuel cost sources. General discussion ensued. Doug Timms, Director, Office of Management and Budget, stated that the 27% price increase would have to come out of Reserve Funds. Rich suggested they build in cost increases into FY 2007 budget.

(03/07/06 - 6 - 10:16 a.m.)

2. CONSIDER A CONTRACT (BID#06-67) AWARD TO PETTICOAT CONTRACTING, INC. IN THE AMOUNT OF \$1,565,778 FOR CR-5A (OLD MOULTRIE ROAD) & KINGS ESTATE ROAD INTERSECTION IMPROVEMENTS

Joe Burch, County Purchasing Manager, gave the presentation. Joe Stephenson, Public Works Director, responded to questions. General discussion followed.

(10:18 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to authorize the County Administrator, or his designee, to award a contract to the low bidder, Petticoat Contracting, Inc. in the amount of \$1,565,778.00 for Bid No. 06-67, CR5A & Kings Estate Road Intersection Improvements.**

3. CONSIDER A REQUEST FOR TEN ADDITIONAL STATE FUNDED FULL TIME POSITIONS FOR THE COMMUNITY BASED CARE DEPARTMENT

This item was pulled, to be placed on the next Consent Agenda.

(03/07/06 - 6 - 10:18 a.m.)

3. PRESENTATION OF ST. JOHNS COUNTY FIRE AND RESCUE (*This item was added by Maguire as new Item No. 3.*)

Maguire introduced the presentation and noted it was the result of personally viewing a fire and the response from the St. Johns County Fire Rescue from start to completion.

He said it was a professional operation done extremely well. He offered congratulations to all of the firefighters for an excellent job.

Chief Bobby Hall, introduced Chief Carl Shank and Lt. Kevin Winters, who took initial command of the incident, and Leani Neal, a new graduate of the firefighters orientation program, as those who responded to the fire mentioned by Maguire. Chief Hall gave an overview of the Department functions and reported that they were a full service fire department, gave the history of the department and how it had evolved, and covered future needs due to growth and development within the County. General discussion followed.

At 10:50 a.m., the Board recessed for three minutes and resumed at 10:56 a.m.

(03/07/06 - 7 - 10:56 a.m.)

4. CONSIDER AN APPOINTMENT TO THE RECREATION ADVISORY BOARD

Melissa Lundquist, Administrative Coordinator, presented the applicants and stated the opening was due to a resignation.

Bryant nominated Jack Boyd to the Recreation Advisory Board, seconded by Rich: Maguire nominated Denise Balthis, seconded by Rich. The vote was 3/2 by voice vote and a roll call vote was requested.

Roll Call Vote: Stevenson, Yes; Stern, No; Rich, Yes; Maguire, No; and Bryant, Yes.

Jack Boyd's nomination carried 3/2, by roll call vote, with Stern and Maguire dissenting.

10:59 a.m. Maguire left the meeting.

(03/07/06 - 7 - 10:59 a.m.)

5. PUBLIC HEARING - ORDINANCE FOR NO WAKE ZONE FOR SEGMENT OF MATANZAS RIVER - THE BOARD OF COUNTY COMMISSIONERS IS EMPOWERED TO REGULATE THE SPEED AND WAKE OF VESSELS UNDER SECTION 327.60 AND 327.73 (1)(K)(2) OF THE FLORIDA STATUTES. AN IDLE SPEED, NO WAKE ZONE IS NECESSARY FOR SEGMENT OF THE MATANZAS RIVER IN THE VICINITY OF FORT MATANZAS IN ORDER TO AVOID SAFETY HAZARDS TO PERSONS AND DAMAGE TO PROPERTY RESULTING FROM VESSELS TRAVELING AT EXCESSIVE SPEED

Proof of publication of the notice of public hearing on a No Wake Zone Ordinance was received, having been published in *The St. Augustine Record* on February 21, 2006.

Dan Weimer, Parks & Recreation Director, gave the presentation and stated this was at the request of the DOT, as it was already regulated by the State. They asked that the County approve it into an Ordinance.

(11:00 a.m.) Motion by Stern, seconded by Bryant, carried 4/0 with Maguire absent, to enact Ordinance No. 2006-20.

ORDINANCE NO. 2006-20

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, ESTABLISHING AN IDLE SPEED,
NO WAKE ZONE TO REGULATE THE WAKE CREATED**

BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY WITHIN A PORTION OF THE MATANZAS RIVER; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO WAKE ZONE; PROVIDING DEFINITIONS; PROVIDING EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE

(03/07/06 - 8 - 11:01 a.m.)

6. CONSIDER A MOTION TO APPROVE A WAIVER OF THE SMALL SCALE AMENDMENT APPLICATION FEE FOR PARCEL 098190-0000

Bruce Ford, Chief Planner, gave the presentation. The applicant, Lee Bicknell, was no longer present so Bryant requested that the item be continued until after lunch as a courtesy to the applicant. He noted Bicknell was often called out for his alarm business.

(11:03 a.m.) Maguire returned to the meeting.

(11:05 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0 to continue the item until after lunch.**

(1:35 p.m.) Subsequently, Lee Bicknell, 19 Milton Street, reviewed the history of the property and the right-of-way, referring to a letter dated October 24, 2005, from Bruce Ford, Exhibit A. McCormack mentioned that he reviewed this item, and that the County had a duty to make the zoning consistent with the Comp Plan, or the Comp Plan consistent with the zoning. Bryant asked about lots one through eleven. Bicknell reviewed the lots. Maguire asked Bicknell if he was just asking for a waiver of fees. Bicknell responded yes. Stevenson asked if waiving fees was something they had done in the past. Clem replied that they had approved fee waivers in the past. (1:44 p.m.) **Motion by Rich, seconded by Maguire, carried 5/0, to approve a waiver of the Small Scale Land Use Amendment application fee, finding that the waiver of said fee is in the best interest of the County and will serve a public purpose.**

The meeting moved to Item 15.

(03/07/06 - 8 - 11:06 a.m.)

7. PUBLIC HEARING - REZONING 2005-38, BRIDGE VENTURE OFFICES - THIS IS A REQUEST TO REZONE 2.0 ACRES FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) TO ALLOW UP TO 20,000 SQ FT OF OFFICE BUILDING. THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON THE WEST SIDE OF US 1 SOUTH, JUST NORTH OF WATSON RD AND JUST SOUTH OF WILDWOOD DR AND IS IN MIXED USE DISTRICT (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE UTILITY DEPARTMENT. ADJACENT ZONINGS ARE OPEN RURAL (OR), OFFICE PROFESSIONAL (OP), RESIDENTIAL SINGLE FAMILY (RS-2), COMMERCIAL GENERAL (CG) AND PLANNED SPECIAL DEVELOPMENT (PSD). FINAL CERTIFICATE OF CONCURRENCY CONMINPDRA 2005-39 WAS APPROVED ON 11/17/05 FOR THE DEVELOPMENT OF 20,000 SQ. FT. OF GENERAL OFFICE SPACE. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO OFFICE PROFESSIONAL (OP) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED USE DISTRICT (MD) PROVISIONS OF THE

COMPREHENSIVE PLAN. THE PLANNING AND ZONING AGENCY
RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR
JANUARY 19, 2006 HEARING BY A VOTE OF 7/0

Proof of publication of the notice of public hearing on REZ 2005-38, Bridge Venture, was received, having been published in *The St. Augustine Record* on February 20, 2006.

Bruce Ford, Chief Planner, gave the presentation and stated that staff supported the request. The PZA approved the request by a 7/0 vote.

Maguire stated he supported the issue, but expressed concern about putting driveways on US 1 and suggested they look at other options other than single point driveways. Stevenson concurred.

(11:10 a.m.) Karen Taylor, 3070 Harbor Drive, appeared on behalf of the applicant, Mr. Layton of Bridge Venture. She said they had reviewed the driveway issue and were looking at a shared driveway. There was discussion regarding wetlands along the front of the site and the buffering required. Bryant asked Patrick McCormack, Assistant County Attorney, if language could be placed in the ordinance to require the shared driveway. McCormack stated it was the position of the County Attorney not to put conditions on straight rezoning. He said it could be done at the DRC level. Taylor said it was a straight zoning and there was no requirement for such language. Stevenson said safety issues could also influence the decision. Ford stated it would also take DOT approval for driveway permits as well. McCormack said there was nothing wrong with the board putting it into the record that that was their preference, and would have some persuasive weight. He said the Board could authorize the Chair or the County Administrator to write a letter to the DOT regarding the driveway permit and their concerns. Taylor suggested they write a generalized letter since there were several parcels in the area facing the same situation. Clem said they would try to facilitate the issue with DOT, which was mandated to provide access.

(11:18 a.m.) **Motion by Rich, seconded by Maguire, carried 5/0, to approve Ordinance No. 2006-21, known as REZ 2005-38 Bridge Venture Offices adopting finding of fact to support the motion.**

ORDINANCE NO. 2006-21

**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**

(03/07/06 - 9 - 11:18 a.m.)

8. PUBLIC HEARING - REZONING 2005-16 PUBLIC WORKS OFFICE. THIS IS A REQUEST TO REZONE 9.54 ACRES FROM OPEN RURAL (OR) TO PUBLIC SERVICE (PS) FOR A NEW PUBLIC WORKS OFFICE BUILDING. THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 16, IN BETWEEN INDUSTRY CENTER ROAD AND PLEASURE LANE AND IS IN PUBLIC (P) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE UTILITY DEPARTMENT. ADJACENT ZONINGS ARE OPEN RURAL (OR), INDUSTRIAL WAREHOUSE (IW) AND

PUBLIC SERVICE (PS). A FINAL CERTIFICATE OF CONCURRENCY IS REQUIRED PRIOR TO APPROVAL OF REZONING. THE PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS CANNOT BE SCHEDULED UNTIL A FINAL CERTIFICATE OF CONCURRENCY HAS BEEN ISSUED. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO PUBLIC SERVICE (PS) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE PUBLIC (P) PROVISIONS OF THE COMPREHENSIVE PLAN. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JANUARY 19, 2006 HEARING BY A VOTE OF 7/0

Proof of publication of the notice of public hearing on REZ 2005-16, Public Works Office, was received, having been published in *The St. Augustine Record* on February 20, 2006.

Bruce Ford, Chief Planner, gave the presentation. He reported that staff supported the request and PZA had approved it 7/0. Nannett Bradbury, Real Estate Coordinator for St. Johns County, appeared on behalf of the applicant.

(11:21 a.m.) Rich declared ex-parte communication with staff and Joe Stephenson regarding the issue of the stoplight.

(11:22 a.m.) **Motion by Stern, seconded by Rich, carried 5/0, to approve Ordinance No. 2006-22 known as REZ 2005-16 Public Works Office adopting finding of fact one through four to support the motion.**

ORDINANCE NO. 2006-22

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 PUBLIC SERVICE (PS); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/07/06 - 10 - 11:23 a.m.)

9. PUBLIC HEARING - REZONING 2005-26, UTILITY WAREHOUSE - THIS IS A REQUEST TO REZONE 9.99 ACRES FROM OPEN RURAL (OR) TO PUBLIC SERVICE (PS) FOR A NEW UTILITY WAREHOUSE BUILDING. THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON THE EAST SIDE OF INMAN RD, JUST NORTH OF STATE ROAD 16 AND IS IN MIXED USE DISTRICT (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE UTILITY DEPARTMENT. ADJACENT ZONINGS ARE OPEN RURAL (OR), INDUSTRIAL WAREHOUSE (IW) AND PLANNED UNIT DEVELOPMENT (PUD). FINAL CERTIFICATE OF CONCURRENCY CONMINPDRA 2005-33 APPROVED ON 11/21/05 FOR THE DEVELOPMENT OF 37,350 SQ. FT. OF WAREHOUSING SPACE FOR PHASE 1. THE PLANNING DIVISION HAS ROUTED THIS REQUEST TO ALL APPROPRIATE REVIEWING DEPARTMENTS AND THERE ARE NO OPEN ISSUES. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO PUBLIC SERVICE (PS) IS CONSISTENT AND COMPATIBLE WITH THE

SURROUNDING DEVELOPMENT. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED USE DISTRICT (MD) PROVISIONS OF THE COMPREHENSIVE PLAN. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JANUARY 19, 2006 HEARING BY A VOTE OF 7/0

Proof of publication of the notice of public hearing on REZ 2005-26, Utility Warehouse, was received, having been published in *The St. Augustine Record* on February 20, 2006.

Bruce Ford, Chief Planner, gave the presentation and stated that staff supported and PZA approved by a vote of 7/0. Nannett Bradbury, Real Estate Coordinator for St. Johns County, appeared on behalf of the applicant.

(11:25 a.m.) Motion by Stern, seconded by Maguire, carried 5/0, to approve Ordinance No. 2006-23, known as REZ 2005-26 Utility Warehouse adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2006-23

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 PUBLIC SERVICE (PS); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

[\(03/07/06 - 11 - 11:26 a.m.\)](#)

10. PUBLIC HEARING - REZ 2005-45, BINNINGER OFFICE CENTER. THIS IS A REQUEST TO REZONE 4.22 ACRES FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) FOR UP TO 22,000 SQUARE FEET OF OFFICE USES. THE PARCEL IS LOCATED ON THE WEST SIDE OF U.S. 1 SOUTH, JUST NORTH OF WATSON ROAD AND IS IN MIXED USE (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE UTILITIES. ADJACENT ZONINGS ARE OPEN RURAL (OR), PLANNED SPECIAL DEVELOPMENT (PSD), COMMERCIAL INTENSIVE (CI), AND RESIDENTIAL SINGLE FAMILY (RS-2). THE SUBJECT PARCEL IS CURRENTLY UNDEVELOPED AS ARE THE ADJACENT PARCELS TO THE NORTH, SOUTH AND WEST. AN EXISTING SUBDIVISION ABUTS THE SOUTHWEST CORNER OF THE SUBJECT PARCEL. ALL ACCESS TO THE PARCEL WILL BE PROVIDED VIA U.S. 1 ON THE EAST SIDE. THEREFORE, THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. IN THE CASE THAT THE REZONING IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, ALL SITE ENGINEERING, DRAINAGE AND REQUIRED INFRASTRUCTURE IMPROVEMENTS WILL BE REVIEWED PURSUANT TO THE ESTABLISHED DEVELOPMENT REVIEW PROCESS TO ENSURE THAT THE DEVELOPMENT HAS MET ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS AND PERMITTING REQUIREMENTS. NO PERMITS AUTHORIZING DEVELOPMENT SHALL BE ISSUED PRIOR TO COMPLIANCE WITH ALL APPLICABLE REGULATIONS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JANUARY 19, 2006 HEARING BY A VOTE OF 6/0 (MR. GREEN ABSTAINED FROM VOTING DUE TO A CONFLICT)

Proof of publication of the notice of public hearing on REZ 2005-45, Binninger, was received, having been published in *The St. Augustine Record* on February 20, 2006.

Bruce Ford, Chief Planner, gave the presentation, and said staff and the PZA approved the request by a vote of 6/0, with Green abstaining.

(11:29 a.m.) Karen Taylor appeared for the applicants, Steven and Charles Binninger. Stern asked that they work with the other applicant regarding the driveway access. Taylor said she would get them all to work together on combining the driveways. Bryant asked Clem to include the 3 or 4 parcels in the previously requested letter to the DOT.

(11:34 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to approve Ordinance 2006-24, known as REZ 2005-45, Binninger Office Center, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2006-24

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF OPEN RURAL (OP) TO
OFFICE PROFESSIONAL (OP); MAKING FINDINGS OF
FACT; REQUIRING RECORDATION; AND PROVIDING
AN EFFECTIVE DATE**

(03/07/06 - 12 - 11:34 a.m.)

11. PUBLIC HEARING - REZ 2005-55, ELLENES MULTI-FAMILY - THIS IS A REQUEST TO REZONE 1.39 ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL MULTI-FAMILY (RG-1) IN ORDER TO CONSTRUCT AN APARTMENT COMPLEX WITH UP TO 13 UNITS. THE PARCEL IS LOCATED EAST OF STRATTON BOULEVARD AND NORTH OF S.R. 16 AND IS IN THE MIXED USE (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE PARCEL IS CURRENTLY USED AS A SINGLE FAMILY RESIDENCE AND IS ACCESSED FROM A PRIVATE EASEMENT OFF OF STRATTON BOULEVARD. THIS EASEMENT SERVES THREE ADDITIONAL RESIDENCES TO THE NORTH OF THE SUBJECT PARCEL. THE WEST SIDE OF THE PARCEL WILL FRONT DIRECTLY ONTO THE REROUTED STRATTON BOULEVARD ONCE THAT IMPROVEMENT IS MADE AS PART OF THE RECENTLY APPROVED SEBASTIAN COVE AND STRATTON PUD'S. ACCESS WILL THEN BE DIRECTLY ONTO THE RE-ROUTED STRATTON BOULEVARD AND BUFFERS WILL BE PROVIDED TO THE RESIDENTIAL ADJACENT TO THE NORTH. FINAL CERTIFICATE OF CONCURRENCY CONMIN 2005-11 WAS APPROVED ON 11/10/05 FOR THE DEVELOPMENT OF 13 APARTMENT UNITS ON THE SUBJECT PROPERTY. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO RESIDENTIAL MULTI-FAMILY (RG-1) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED USE PROVISIONS OF THE COMPREHENSIVE PLAN. THEREFORE, THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS REZONING BY A VOTE OF 6 TO 1 AT THEIR JANUARY 19, 2006 MEETING. THE DENIAL WAS BASED ON THE FACT THAT THE PARCEL WILL NOT HAVE ADEQUATE

ROAD ACCESS UNTIL STRATTON BOULEVARD IS REROUTED FARTHER TO THE EAST IN FRONT OF THE PARCEL AND UNTIL THEN THE PARCEL CAN NOT BE DEVELOPED WITH MULTI-FAMILY. THE PZA FELT THE REQUEST WAS PREMATURE AND NOT IN THE PUBLICS INTEREST

Proof of publication of the notice of public hearing on REZ 2005-55, Elleness Multi-Family, was received, having been published in *The St. Augustine Record* on February 20, 2006.

Bruce Ford, Chief Planner, gave the presentation and said staff approved. PZA recommended denial 6/1. The basis of their denial was that the PUD was not in the public interest and was premature in that it did not have current access to the roadway.

(11:38 a.m.) Bryant disclosed ex-parte communication with the two owners of the property. He spoke in favor of the applicant and said he thought PZA had erred in their denial. Maguire agreed that the denial was in error, as it was based on a premature assumption, based on a poor planning decision, and their reason was the wrong reason. He also declared ex-parte communication with the owners and Karen Taylor to talk about the entire project. He said it was conditioned entirely upon the new road being put in.

Bryant asked McCormack for his opinion. McCormack said PZA made its decision based on evidence availability of the road. He said if the Board was confident that there was competent substantial evidence that the road would be built in a timely manner, the Board could act. He said the decision should be based upon the evidence available today, and that would be the progress of the road re-alignment. Clem added that the Concurrency Certificate was conditioned upon the road access being provided and the construction plans could not be approved without the road access being provided. Rich declared ex-parte communication with the applicants and their counselor on the project. He stated he supported the project. Stevenson disclosed ex-parte with the applicants. Stern declared ex-parte communication with the applicants and discussed what their plans were. She stated she supported the project as the County was in desperate need for affordable rental property.

(11:48 a.m.) Karen Taylor introduced the applicants, Scott Yeoman and Lyman Hall of L&S LLP. Scott Yeoman, 4960 Vogel Road, made a presentation and read their mission statement.

(11:51 a.m.) **Motion by Stern, seconded by Rich, carried 5/0, to approve Ordinance 2006-25, known as REZ 2005-55, Elleness Multi-Family, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2006-25

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL MULTI-FAMILY (RG-1); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/07/06 - 14 - 11:51 a.m.)

12. PUBLIC HEARING - REZ 2005-39, CAPILI MEDICAL OFFICE - THIS IS A REQUEST TO REZONE .44 ACRE FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) FOR A MEDICAL OFFICE. THE PARCEL IS LOCATED ON THE EAST SIDE OF OLD MOULTRIE ROAD, JUST NORTH OF LEWIS POINT AND IS IN MIXED USE (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE UTILITIES. ADJACENT ZONINGS ARE OPEN RURAL (OR), PLANNED UNIT DEVELOPMENT (PUD), PLANNED SPECIAL DEVELOPMENT (PSD), AND COMMERCIAL GENERAL (CG). THE SUBJECT PARCEL IS CURRENTLY OCCUPIED BY A MOBILE HOME. AN EXISTING MEDICAL AND OFFICE COMPLEX IS LOCATED ADJACENT TO THE NORTH AND THE PARCEL TO THE SOUTH AND EAST IS CURRENTLY UNDEVELOPED. FINAL CERTIFICATE OF CONCURRENCY CONMINPDRA 2005-41 APPROVED ON 11/18/05 FOR THE DEVELOPMENT OF 4,500 SQ. FT. OF MEDICAL OFFICE SPACE. THE PLANNING DIVISION HAS ROUTED THIS REQUEST TO ALL APPROPRIATE REVIEWING DEPARTMENTS AND THERE ARE NO OPEN ISSUES. THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. IN THE CASE THAT THE REZONING IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, ALL SITE ENGINEERING, DRAINAGE AND REQUIRED INFRASTRUCTURE IMPROVEMENTS WILL BE REVIEWED PURSUANT TO THE ESTABLISHED DEVELOPMENT REVIEW PROCESS TO ENSURE THAT THE DEVELOPMENT HAS MET ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS AND PERMITTING REQUIREMENTS. NO PERMITS AUTHORIZING DEVELOPMENT SHALL BE ISSUED PRIOR TO COMPLIANCE WITH ALL APPLICABLE REGULATIONS. THE PLANNING AND ZONING AGENCY RECOMMENDED OF THIS REZONING REQUEST AT THEIR JANUARY 19, 2006 HEARING BY A VOTE OF 7/0

Proof of publication of the notice of public hearing on Capili Medical Office was received, having been published in *The St. Augustine Record* on February 20, 2006.

Bruce Ford, Chief Planner, gave the presentation, and said staff supported the application, and PZA approved by a vote of 7/0.

(11:54 a.m.) Karen Taylor appeared on behalf of the applicant, Angelita Capili, M.D.

(11:55 a.m.) **Motion by Rich, seconded by Maguire, carried 5/0 to approve Ordinance No. 2006-26, known as REZ 2005-39 Capili Medical Office adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2006-26

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

(03/07/06 - 14- 11:56 a.m.)

13. PUBLIC HEARING - PUD 2005-42, WEST SIDE SALON AND BARBER SHOP PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE

APPROXIMATELY .17 ACRES FROM RESIDENTIAL SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO DEVELOP A COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) CONSISTING OF UP TO 2,040 SQ. FT. OF GENERAL BUSINESS USE, SPECIFICALLY A BARBER AND BEAUTY SALON. THE SITE IS LOCATED ON THE NORTH SIDE OF WEST KING ST., APPROXIMATELY 2/3 MILES EAST OF N. VOLUSIA ST. THE MASTER DEVELOPMENT PLAN PROPOSES ONE ACCESS POINT OFF OF WEST KING ST. THERE IS AN EXISTING SIDEWALK ALONG WEST KING ST. AND AN INTERNAL SIDEWALK IS PROPOSED AS DEPICTED ON THE MASTER DEVELOPMENT PLAN MAP. THE PROJECT IS PROPOSING 41% OF THE SITE AS OPEN SPACE, WELL ABOVE THE MINIMUM REQUIREMENT OF 25%. CENTRAL WATER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE, SEWER WILL BE PROVIDED BY AN ON SITE SEPTIC SYSTEM. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: RESIDENTIAL SINGLE FAMILY (RS-3) AND COMMERCIAL INTENSIVE (CI). THE SURROUNDING FUTURE LAND USE IS RESIDENTIAL-D (D). STAFF IS OF THE OPINION THAT THE PROPOSED PUD, AS SUBMITTED, IS CONSISTENT WITH THE GOALS, OBJECTIVES AND POLICIES OF THE 2015 COMPREHENSIVE PLAN AND WITH APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, PARTICULARLY SECTION 5.03.00, WHICH PROVIDES STANDARDS FOR PLANNED UNIT DEVELOPMENTS. STAFF FINDS THAT THE REDEVELOPMENT OF THIS PROPERTY WOULD BE A SUBSTANTIAL IMPROVEMENT OVER EXISTING SITE CONDITIONS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR FEBRUARY 2, 2006 HEARING BY A VOTE OF 7/0

Proof of publication of the notice of public hearing on PUD 2005-42, West Side Salon, was received, having been published in *The St. Augustine Record* on February 20, 2006.

Bruce Ford, Chief Planner, gave the presentation, and stated that staff supported and PZA passed by a vote of 7/0.

(12:04 p.m.) Maguire stated he supported the project. He asked about underground utilities. Clem said it had been recommended for the long term, though it would be expensive, and that particular parcel would not be a part of the goal. He asked McCormack for his judgment on the underground and whether it was necessary to put a caveat into the motion. McCormack responded that the applicant could make a vesting argument for public safety. He said an analogous phrase could be included for utility lines. Maguire said they should approve with the condition that they should agree to join in with underground utilities should they be made available.

(12:08 p.m.) Lorie Tipton, consultant for the NEWS Group, spoke on behalf of the applicant. General discussion followed regarding how pleased the board was with the project.

(12:13 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to approve Ordinance No. 2006-27 known as PUD 2005-42 West Side Salon and Barber Shop PUD, to include waivers 1 through 6.**

ORDINANCE NO. 2006-27

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

SINGLE FAMILY (RS-3) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 12:13 p.m., and reconvened at 1:34 p.m. with Bryant, Stern, Rich, Stevenson, Maguire, Clem, Hunt, McCormack and Deputy Clerk Lenora Newsome present. The Board resumed discussion on Item 6.

(03/07/06 - 16 - 1:51 p.m.)

14. PUBLIC HEARING - MAJMOD 2005-30, CABALLOS DEL MAR PLANNED UNIT DEVELOPMENT (VILLAGE PROFESSIONAL CENTER) - THIS IS A MAJOR MODIFICATION TO REVISE THE CABALLOS DEL MAR PUD FOR THE ADDITION OF A 4,000 SQUARE FOOT OFFICE BUILDING IN PHASE 4 OF THE VILLAGE PROFESSIONAL CENTER, INCLUDING THE DELETION OF NINE (9) PARKING SPACES TO ACCOMMODATE THE NEW OFFICE BUILDING. THE VILLAGE PROFESSIONAL CENTER IS LOCATED WEST OF A1A AND NORTH OF PGA TOUR BOULEVARD OFF SAWGRASS VILLAGE CIRCLE. PUD ORDINANCE 75-15 DOES NOT PROVIDE FOR A TOTAL SQUARE FOOTAGE OF COMMERCIAL DEVELOPMENT, THEREFORE THE MAJOR MODIFICATION WILL MODIFY ORDINANCE 75-15 AND THE FINAL DEVELOPMENT PLAN (FDP) TO ADOPT A SINGLE MASTER DEVELOPMENT PLAN AND SQUARE FOOTAGE FOR THIS SITE. STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS MODIFICATION AT THEIR FEBRUARY 2, 2006 MEETING BY A VOTE OF 7 TO 0

Proof of publication of the notice of public hearing on MAJMOD 2005-30, Village Professional Center, was received, having been published in *The St. Augustine Record* on February 20, 2006.

Bruce Ford, Chief Planner, summarized the request, utilizing the Master Development Plan, Exhibit A. He explained that the parking criteria would still be met with the nine parking spaces removed. He spoke on the concerns and objections of the adjacent neighbors/property owners, Exhibit B. Discussion followed on the tree ordinance, with Clem stating that this site would be required to comply with the tree ordinance.

(2:00 p.m.) Douglas E. Nihoul, 13000 Sawgrass Village Circle, Ponte Vedra Beach, stated that he didn't have any comments. Maguire suggested that Nihoul put a lot of trees in when he finished. (2:00 p.m.) **Motion by Maguire, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-28, known as MAJMOD 2005-30, Caballos Del Mar PUD, adopting findings of fact one through six to support the motion.**

ORDINANCE NO. 2006-28

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE CABALLOS DEL MAR PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE 75-15, AS AMENDED, MAKINGS FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting moved to Item 15A.

(03/07/06 -17 - 1:44 p.m.)

15. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO LAB CONNECTIONS

Karen Johnson, Intergovernmental Relations Specialist, reviewed this item, stating that Lab Connections had applied for incentives last November and was approved on November 29th. The agreement was prepared and sent to Mr. Salooja for his signature. There was a delay in signing the agreement because of Salooja's concerns with the number of additional employees that he had stated on his original application. The agreement was not signed within the thirty days that the ordinance allowed, which meant the incentives were terminated. Salooja had reapplied and the only change was the number of additional employees being one instead of three, with hopes of more in the future. The number of employees did not change the number of points or the dollar amount of the incentive.

(1:46 p.m.) Roger Salooja, 106 St. George St. #C, the applicant, asked the Board to grant the incentive, and stated that he planned to have more employees. (1:46 p.m.) **Motion by Stevenson, seconded by Stern, to adopt the incentive calculation of \$21,142, and to instruct the attorney's office to prepare an agreement and place the agreement on a future consent agenda.** Rich spoke on having a problem with the incentive ordinance, and stated that he was not prepared to support any of the incentive programs. Stevenson and Maguire agreed that the incentive ordinance needed to be revisited. Stern agreed with Stevenson and Maguire, but stated that she supported this incentive. (1:51 p.m.) **The motion carried 4/1 with Rich opposed.**

The meeting returned to Item 14.

(03/07/06 -17 - 2:00 p.m.)

15A. BABCOCK RANCH RESOLUTION (INTRODUCED BY COMMISSIONER STEVENSON)

Stevenson reviewed this item, stating that this was a resolution supporting the Governor's position to partially fund the proposed acquisition of the Babcock Ranch out of the General Fund, to leave some money in the Land Acquisition Fund. Maguire agreed with not pulling all the money out of one fund, but he voiced concern with pulling such a high amount of money out of the General Fund. Stevenson requested that the Board entertain a motion to adopt this resolution, advocating that St. Johns County's position be that they look at funding the acquisition, as much as possible, out of the General Fund. Discussion ensued. (2:08 p.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2006-63, a resolution of the Board of County Commissioners of St. Johns County, Florida, to the Governor of the State of Florida, and the Trustees of the Internal Improvement Trust Fund (TIITF) for the successful conclusion of the transaction with the owners of the Babcock Ranch.**

RESOLUTION NO. 2006-63

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO THE GOVERNOR OF THE STATE OF FLORIDA AND THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (TIITF) FOR THE SUCCESSFUL CONCLUSION OF THE TRANSACTION WITH THE OWNERS OF THE BABCOCK RANCH

(03/07/06 - 18 - 2:08 p.m.)
COMMISSIONERS' REPORTS

Commissioner Rich:

Rich asked the Board for consensus to place a referendum on the ballot to allow the people of St. Johns County to choose to have a seven-member board. Bryant responded that Rich could prepare it and place it on an agenda for discussion.

(2:10 p.m.)

Commissioner Stevenson:

Stevenson spoke on transportation funding.

(2:13 p.m.)

Commissioner Maguire:

Maguire spoke on having a workshop on affordable housing issues. Clem replied that they were working on a date.

Maguire spoke on having a workshop on restricting the land set aside for preservation in PRDs. Teresa Bishop, Planning Director, replied that they had not progressed very far on finding a date, but she hoped to bring it to the Board as a workshop within the next month.

Maguire asked Scott Clem about the capability of his staff to handle all the building permits coming in. Clem responded that every department was running at maximum capacity, and that they were trying to find a solution.

Maguire spoke on how the upcoming budget should be handled, and stated that costs needed to be reduced this year.

Maguire voiced concern on the issue of "denial with conditions." He requested to have the chairman of the Planning and Zoning Agency (PZA) come before the Board of County Commissioners to explain what the PZA meant by passing a "denial with conditions." Discussion ensued.

(2:25 p.m.)

Commissioner Stern:

Stern spoke on eminent domain, and St. Johns County rating high against surrounding counties regarding residential and commercial permitting applications.

Stern congratulated *The Florida Times Union* on their article regarding people in public positions being criticized, attacked and treated in an uncivil manner. She also spoke on establishing an affordable housing task force.

(2:31 p.m.)

Commissioner Bryant:

Bryant mentioned receiving a request to present a 45-minute documentary film entitled "River into the New World" during a commission meeting. Bryant suggested airing the documentary film during the lunch hour, instead of during the regular commission meeting. (2:32 p.m.) *It was a consensus of the Board to play the documentary during the lunch hour.* He directed Staff to advertise that it would be shown during the lunch hour of the next meeting, as well as on Saturday.

Bryant spoke on the performance ranking of the Community Based Care Program and the Family Integrity Program. He stated that St. Johns County would be the model for the State.

(03/07/06 - 19 - 2:35 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Clem reminded the Board of some dates and times of future meetings. He also thanked the Board for noticing the improvements that were made to the agenda books.

Clem mentioned that he would be preparing a resolution for the next meeting regarding a joint resolution. Bryant asked Clem to meet with each commissioner to get his or her input regarding the wording of the resolution.

(03/07/06 - 19 - 2:27 p.m.)
CLERK OF COURT'S REPORT

No report.

(03/07/06 - 19 - 2:37 p.m.)
COUNTY ATTORNEY'S REPORT

Hunt spoke on proposed legislation regarding prohibiting local governments from franchising cable companies, which could impact the use of right-of-ways. He mentioned that their office received numerous complaints concerning BellSouth. He stated that under the franchise agreement that BellSouth had with the County, the County could, with a consensus, conduct an inquiry into their overall system. Hunt requested a consensus from the Board allowing him to look into the matter more thoroughly. Bryant urged each commissioner to speak to Hunt on the issue of taking away the Board's choice in awarding franchises. Maguire asked about the progress of putting some pressure on the cable companies that do not transmit Government TV. Hunt replied that nothing had happened with it yet. He spoke on the merger between BellSouth and AT&T. Bryant directed Clem to address the issue with Ted Zebrowsky.

Motion by Maguire, seconded by Bryant, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 2:41 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, Check No. 379658 through 379951, totaling \$1,787,652.33 (2/14/06)
2. St. Johns County Board of County Commissioners' Check Register, Check No. 379952 through 379980, totaling \$55,660.80 (2/16/06)
3. St. Johns County Board of County Commissioners' Check Register, Check No. 379981 through 380401, totaling \$3,682,288.08 (2/21/06)
4. St. Johns County Board of County Commissioners' Check Register, Check No. 380402, totaling \$36,095.50 (2/23/06)
5. St. Johns County Board of County Commissioners' Check Register, Check No. 380403 through 380409, totaling \$839.57 (2/27/06)

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief, Bureau of Administrative Code, dated February 28, 2006, filing Ordinance Nos. 2006-15 through 2006-19
2. Letter to Dena Van Landingham, Grants Program Administrator, Bureau of Beaches and Coastal Systems, dated February 23, 2006, regarding DEP Agreement No: 05SJ1, executed by the St. Johns County Board of County Commissioners, per Resolution No. 2006-22, on January 24, 2006

3. Letter to Max Royle, City Manager, City of St. Augustine Beach, regarding a copy of the filed certified copy of an Interlocal Agreement for animal control between St. Johns County and the City of St. Augustine Beach

Approved March 21, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Robert S. Black
Deputy Clerk

