

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 21, 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
Ben W. Adams, Jr., County Administrator
Dan Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(03/21/06 - 1 - 9:04 a.m.)
Bryant called the meeting to order.

(03/21/06 - 1 - 9:05 a.m.)
ROLL CALL

Bryant stated that all five commissioners were present.

(03/21/06 - 1 - 9:05 a.m.)
Bryant gave the invocation and Maguire led the Pledge of Allegiance.

(03/21/06 - 1 - 9:06 a.m.)
PROCLAMATION DESIGNATING MARCH 2006 AS NATIONAL ARCHAEOLOGY MONTH

Maguire read the proclamation and introduced Nancy Sikes-Klein, Herbie Wiles, Dan Bosanko and Robin Moore, with Nancy Sikes-Klein recognizing all the volunteers.

(03/21/06 - 1 - 9:11 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Maguire, seconded by Stern, carried 5/0, to approve the proclamation as presented.

(03/21/06 - 1 - 9:12 a.m.)
PUBLIC COMMENT

John Grexa, 548 Domenico Circle, stated that he heard a rumor that Toll Brothers would be requesting a delay in their hearing scheduled for 9:00 a.m. tomorrow morning. He stated that the community had heard Toll Brothers' proposal, which was rejected by the community, and that they were ready to have the hearing tomorrow, as scheduled.

(9:12 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S., spoke on the growth in St. Johns County and being taxed.

(03/21/06 - 2 - 9:16 a.m.)
DELETIONS TO THE CONSENT AGENDA

There were no deletions.

(03/21/06 - 2 - 9:16 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirements Report
2. Minutes:
02/08/06 - Special Meeting
02/21/06 - Regular Meeting
02/22/06 - Special Meeting
03/07/06 - Regular Meeting
3. Sheriff's Office Bonds:
Approve: Joseph Bowen Jeffrey Deese

Cancel: Mitchell E. McCormack Edward Hafner, Jr.
Robert S. Junod
4. Motion to increase the number of approved Community Based Care FTEs from 35.7 to 45.7
5. Motion to adopt **Resolution No. 2006-66**, approving the Economic Development Grant Agreement and Amendment with Boutros Investments, LLC, and authorizing the County Administrator to execute the contract on behalf of the County; and motion to approve the transfer of \$14,742 from General Fund Reserves to Economic Development (0059-53120)

RESOLUTION NO. 2006-66

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ECONOMIC DEVELOPMENT AGENCY CONTRACT WITH BOUTROS INVESTMENTS LLC ON BEHALF OF ST. JOHNS COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE

6. Motion to adopt **Resolution No. 2006-67**, approving the Economic Development Agreement with Lab Connections, and authorizing the County Administrator to execute the contract on behalf of the County; and motion to transfer \$10,590 from General Fund Reserves to Economic Development (0059-53120)

RESOLUTION NO. 2006-67

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ECONOMIC DEVELOPMENT AGENCY

**CONTACT WITH LAB CONNECTIONS ON BEHALF OF
ST. JOHNS COUNTY, AND PROVIDING FOR AN
EFFECTIVE DATE**

7. Motion to approve the related capital project rescheduling and the transfer of funds from the Transportation Trust Fund Reserve for Capital Outlay (1131-59927) and from the Impact Fee Road Zone C Reserve (1192-59927)
8. Motion to adopt **Resolution No. 2006-68**, recognizing unanticipated revenue in the amount of \$68,000, and increasing the Transit System Fund Contributions line [3370-36603] and expenditure budget of Transit System Fund Consulting [3370-3371-53150] by the same amount

RESOLUTION NO. 2006-68

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

9. Motion to adopt **Resolution No. 2006-69**, accepting a Corrective Easement for Utilities for water services to Davis Industrial Park located off of Holmes Boulevard

RESOLUTION NO. 2006-69

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING A CORRECTIVE EASEMENT FOR
UTILITIES FOR WATER SERVICES TO DAVIS
INDUSTRIAL PARK LOCATED OFF OF HOLMES
BOULEVARD**

10. Motion to adopt **Resolution No. 2006-70**, accepting a Grant of Easement for a public sidewalk along the right-of-way of Canal Boulevard

RESOLUTION NO. 2006-70

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING A GRANT OF EASEMENT FOR
CONSTRUCTION OF A PUBLIC SIDEWALK ALONG
THE RIGHT-OF-WAY ON CANAL BOULEVARD**

11. Motion to adopt **Resolution No. 2006-71**, accepting a survey map that will establish the right-of-way of the road next to the Health and Human Services Building that runs from US 1 South to Old Moultrie Road that is owned by St. Johns County

RESOLUTION NO. 2006-71

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING A SURVEY MAP THAT WILL ESTABLISH**

THE RIGHT-OF-WAY OF THE ROAD NEXT TO THE HEALTH AND HUMAN SERVICES BUILDING THAT RUNS FROM US 1 SOUTH TO OLD MOULTRIE ROAD THAT IS OWNED BY ST. JOHNS COUNTY

12. Motion to adopt **Resolution No. 2006-72**, accepting an Easement for Utilities for water service to Deer Park Commercial Park located off of State Road 207

RESOLUTION NO. 2006-72

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO DEER PARK COMMERCIAL PARK LOCATED OFF OF STATE ROAD 207

13. Motion to adopt **Resolution No. 2006-73**, approving the terms of, and authorizing the County Administrator to execute, the Participation Agreement and Memorandum of Agreement for joint acquisition of the Fox Creek Regional Pond Site

RESOLUTION NO. 2006-73

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PARTICIPATION AGREEMENT AND MEMORANDUM OF AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR JOINT ACQUISITION OF THE FOX CREEK REGIONAL POND SITE

14. Motion to adopt **Resolution No. 2006-74**, approving the terms of, and authorizing the County Administrator to execute, the 1st Amendment to the Purchase and Sale Agreement extending the closing date an additional three months, and adding language to Section (26) that provides additional time for relocation of the church facility; and the sellers request for a price increase in the purchase amount, which is supported by updated appraisals

RESOLUTION NO. 2006-74

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE 1ST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT EXTENDING THE CLOSING DATE AN ADDITIONAL THREE MONTHS AND ADDING LANGUAGE TO SECTION (26) THAT PROVIDES ADDITIONAL TIME FOR RELOCATION OF THE CHURCH FACILITY AND SELLERS REQUEST FOR A PRICE INCREASE IN THE PURCHASE AMOUNT WHICH IS SUPPORTED BY UPDATED APPRAISALS

15. Motion to adopt **Resolution No. 2006-75**, 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. 2006-75

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

16. Motion to adopt **Resolution No. 2006-76**, approving the terms of, and authorizing the County Administrator to execute, a certain Purchase and Sale Agreement for property needed for the Woodlawn Road Improvements

RESOLUTION NO. 2006-76

A RESOLUTION BY 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 WOODLAWN ROAD IMPROVEMENTS

17. Motion to adopt **Resolution No. 2006-77**, accepting three Easements for Utilities for installation of a force main along the road that runs between US 1 South and Old Moultrie Road located north of the Health and Human Services Department

RESOLUTION NO. 2006-77

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THREE EASEMENTS FOR UTILITIES FOR INSTALLATION OF A FORCE MAIN ALONG THE ROAD THAT RUNS BETWEEN US 1 SOUTH AND OLD MOULTRIE ROAD LOCATED NORTH OF THE HEALTH AND HUMAN SERVICES DEPARTMENT

18. Motion to adopt **Resolution No. 2006-78**, authorizing the Chairman of the Board to execute and grant a Temporary Construction Easement on a piece of County owned property to World Commerce Center to construct the new four-lane portion of International Golf Parkway

RESOLUTION NO. 2006-78

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE AND GRANT A TEMPORARY CONSTRUCTION EASEMENT ON A PIECE OF COUNTY OWNED PROPERTY TO WORLD COMMENCE CENTER TO CONSTRUCT THE NEW

**FOUR-LANE PORTION OF INTERNATIONAL GOLF
PARKWAY**

19. Motion to adopt **Resolution No. 2006-79**, approving a final plat for Isles of the World at World Golf Village, Phase 1

RESOLUTION NO. 2006-79

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR ISLES OF
THE WORLD AT WORLD GOLF VILLAGE PHASE I**

20. Motion to adopt **Resolution No. 2006-80**, approving a final plat for Winchester

RESOLUTION NO. 2006-80

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

21. Motion to adopt **Resolution No. 2006-81**, approving a final plat for Heritage Park Parcel E-1

RESOLUTION NO. 2006-81

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR HERITAGE
PARK PARCEL E-1**

22. Motion to adopt **Resolution No. 2006-82**, approving a final plat for Heritage Park Parcel E-2

RESOLUTION NO. 2006-82

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR HERITAGE
PARK PARCEL E-2**

23. Motion to adopt **Resolution No. 2006-83**, approving a final plat for Heritage Park Parcels D-1 & D-2

RESOLUTION NO. 2006-83

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR HERITAGE
PARK PARCELS D-1 & D-2**

24. Motion to adopt **Resolution No. 2006-84**, approving a final plat for the Villas at Heritage Park

RESOLUTION NO. 2006-84

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

25. Motion to adopt **Resolution No. 2006-85**, approving the terms and provisions of a Memorandum of Agreement between St. Johns County Florida (on behalf of St. Johns Community Based Care) and the St. Johns County School District; and authorizing the County Administrator to execute the Memorandum of Agreement on behalf of the County and St. Johns Community Based Care

RESOLUTION NO. 2006-85

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF A MEMORANDUM OF AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF ST. JOHNS COUNTY COMMUNITY BASED CARE, AND ST. JOHNS COUNTY SCHOOL DISTRICT, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF AGREEMENT ON BEHALF OF THE COUNTY, AND ST. JOHNS COMMUNITY BASED CARE

26. Motion to adopt **Resolution No. 2006-86**, recognizing unanticipated revenue in the amount of \$16,034.25, and increasing both the General Fund Insurance Proceeds (0001-36402) and the expenditure budget of the Library Book Account (0001-0078-55204) in the same amount

RESOLUTION NO. 2006-86

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 LIBRARY SYSTEM

27. Motion to adopt **Resolution No. 2006-87**, recognizing unanticipated revenue in the amount of \$4,603, and increasing the General Fund Donations—Ponte Vedra (0001-36610), and increasing the expenditure budget of the Library Donated Operating Supply-Ponte Vedra (0001-0078-55221) in the same amount

RESOLUTION NO. 2006-87

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 LIBRARY SYSTEM

28. Motion to adopt **Resolution No. 2006-88**, recognizing unanticipated revenue in the amount of \$746.26 from VFIS, and adjusting the appropriate expenditure line item by the same amount

RESOLUTION NO. 2006-88

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2006 FIRE DEPARTMENT BUDGET TO RECEIVE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING REPAIRS TO A COUNTY FIRE DEPARTMENT FIRE PREVENTION VEHICLE

29. Motion to declare fire truck (SJC Code #007912) surplus and donate it to First Coast Technical Institute
30. Motion to transfer \$74,292 from Transportation Trust Fund Reserves (1131-59927) to Road & Bridge Equipment (1122-56400); and motion to authorize the County Administrator, or his designee, to purchase one fourteen cubic yard dump truck from Freightliner of Tampa in accordance with Bid No. 06-55 in the amount of \$74,292
31. Motion to adopt **Resolution No. 2006-89**, authorizing the Chairman to execute Amendment No. 1 in the amount of \$298,159 to the Joint Reimbursement Agreement with the Florida Department of Transportation for County Roads 13/204 Widening and Resurfacing

RESOLUTION NO. 2006-89

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO EXECUTE AMENDMENT NO. 1 IN THE AMOUNT OF \$298,159 TO THE JOINT REIMBURSEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR COUNTY ROADS 13/204 WIDENING AND RESURFACING

32. Motion to approve the payment of \$671,383.81 to the Florida State Retirement System for the upgrade of the special risk retirement benefit of certain Fire Rescue employees, pursuant to Chapter 121.0515 (9)(a) F.S.
33. Motion to adopt **Resolution No. 2006-90**, approving the Library System's State Construction Grant Application, and authorizing the Chair of the Board of County Commissioners to execute the grant agreement, if awarded

RESOLUTION NO. 2006-90

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE APPLICATION FOR A PUBLIC LIBRARY CONSTRUCTION GRANT OF PROVIDING ADDITIONAL FUNDING FOR THE CONSTRUCTION OF THE ANASTASIA ISLAND BRANCH LIBRARY

34. Proofs:
- a. Proof, Notice to Bidders, ITB No. 06-82
 - b. Proof, Notice of Road Vacation, St. Johns County Board of County Commissioners, resolution vacating certain part of Ice Plant Road
 - c. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners, Silverleaf Plantation, Wednesday, March 8, 2006 at 9:00 a.m.
 - d. Proof, Notice to Bidders, Bid No. 06-94
 - e. Proof, Notice of Meeting, St. Johns County Value Adjustment Board, Organizational Meeting, Friday, February 24, 2006 at 9:00 a.m.
 - f. Proof, Notice to Bidders, ITB No. 06-80
 - g. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners and St. Johns County School Board, Wednesday, March 1, 2006 at 9:00 a.m.
 - h. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, No Wake Zone Ordinance, Tuesday, March 7, 2006 at 9:00 a.m.
 - i. Proof, Notice of Meeting, County Commission District 2, Tuesday, February 28, 2006 at 7:00 p.m.

(03/21/06 – 9 – 9:16 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Bryant requested to add the Seating for the Amphitheater Bid as Item A1, and to add the discussion for an extension of an Economic Development Grant at the end of the day.

(03/21/06 – 9 – 9:18 a.m.)

APPROVAL OF THE REGULAR AGENDA

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

(03/21/06 – 9 – 9:18 a.m.)

A1. BID #06-68 ST. AUGUSTINE AMPHITHEATRE FIXED AUDIENCE SEATING

Mike Rubin, Construction Manager, reviewed this item, stating that if the Board approved this item they could order the seating, and it would arrive in time to be installed for the opening. **Motion by Stern, seconded by Stevenson, carried 5/0, to authorize the County Administrator, or his designee, to issue a purchase order to Irwin Seating Company for Base Bid \$200,627.17, and Alternate #1 - Fixed Bleacher Seating \$94,169.90, for a total lump sum purchase order amount of \$294,796 for purchase of St. Augustine Amphitheatre fixed seating.**

(03/21/06 – 9 – 9:21 a.m.)

1. MEDICAID REFORM PROVIDER SERVICE NETWORK CONTRACT APPLICATION

Maria Colavito, Director, Health & Human Services, reviewed this item, stating that they were asking for St. Johns County to apply to become a Provider Service Network under Medicaid reform for Medicaid services. Dr. Wharton reviewed the history of this application, and mentioned that St. Johns County was well below statewide averages because of the excellent job that was done with Dr. Colavito's program. Rich spoke on the end of the year rebate issues. Wharton said that the cost averaged out over all counties. Bryant said that the last four years were flat funding, no increases. Doug

Timms reviewed the required motion. (9:53 a.m.) **Motion by Maguire, seconded by Rich, carried 5/0, to transfer \$30,000 from General Fund Reserves (0083-59920) to Social Services (0067-53120) to fund a consultant for the completion of the Medicaid Provider Service Network contract application.** Adams stated he would set up a date for a workshop.

(03/21/06 - 10 - 9:56 a.m.)

2. ST. AUGUSTINE BEACH BRANCH LIBRARY ARCHITECTURAL APPROVAL DIFFICULTIES

Mike Rubin, Construction Manager, reviewed this item, stating that they had done several designs and design changes and, to date, they remained at a stalemate over the design. He stated that St. Johns County had three options to choose from. He did not recommend option one, but did say that option two or three was fine with him. Rich suggested, if option three were chosen, to add to the motion after the language "mutually acceptable," the language: "to McGarvey Residential Communities as well as staff assigned by the County Administrator." Rubin concurred with Rich's suggestion. Discussion followed on selecting another architect, how it would be done and on the design of the building. Bosanko stated that they had some flexibility because they were in an emergency situation.

(10:07 a.m.) Dr. Patricia Laurencelle, 23 Versaggi Drive, spoke on the history of acquiring a library at the beach. She asked the Board to approve the third option.

(10:13 a.m.) Commissioner Edward George, 210 10th Street, suggested that the Board chose option three.

(10:14 a.m.) Bill Napper, 4936 Los Altos Circle, President of the Library Advisory Board, spoke on adopting option three.

(10:17 a.m.) David Farah, 68 Village Del Lago Circle, recommended option three.

(10:19 a.m.) Mike Stauffer, 204 North Forest Dune Drive, Project Manager for Sea Grove, stated that they were committed to making this work. Maguire asked Stauffer if they were willing to pay for a new architect and he replied that he couldn't commit to that.

(10:21 a.m.) **Motion by Stern, seconded by Rich, to terminate our contract with the current architectural group "without cause," and hire a mutually acceptable architectural firm that has a continuing contract with St. Johns County and begin the design over.** Rubin stated that the verbiage stated by Rich should be included and the name of the firm, PQH Architects, should be added. Rich asked that the motion be modified to read: "**and hire an architectural firm, PQH Architects, that McGarvey Residential Communities and St. Johns County both mutually agreed upon, who has a continuing contract with St. Johns County and begin the design over.**" Stern stated that she would accept the additional language suggested by Rich. **The motion carried 5/0.**

The meeting recessed at 10:24 a.m. and reconvened at 10:32 a.m.

Bryant stated that he had a special request to do the public comment part of Item 8 now, and then address Item 8 as it came up on the agenda. (See page 13 for Item No. 8.)

(10:33 a.m.) Bill Fitzgerald, 3460 SR 13, recommended using the pink route for the St. Johns River bridge crossing location.

(10:36 a.m.) Agnes Bloch, 4252 Leaping Deer Lane, Jacksonville, recommended using the pink route for the St. Johns River bridge crossing location.

(10:37 a.m.) Chris Wyrick, 3451 Babiche Street, Jacksonville, asked the Board to endorse the pink route for the St. Johns River bridge crossing location.

(10:39 a.m.) Debra Johnson, 3312 Byron Rd., Green Cove Springs, recommended the pink route for economic development.

(10:42 a.m.) Muffet Moran, 1355 Mahama Bluff Rd., Green Cove Springs, spoke in support of the pink route.

(10:44 a.m.) Nicole Alvarez, 1416 Jessica Way, spoke in support of the pink route. She also read a letter from Phyllis Abbatiello in favor of the pink route (Exhibit A-maps and letter).

(10:48 a.m.) Louise Thrower, 288 Orange Avenue, spoke on the location of the bridge (Exhibit B).

(10:54 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S., Fruit Cove, spoke on not wanting a bridge crossing that would slice up St. Johns County and Duval County.

(03/21/06 - 11 - 11:01 a.m.)

3. HURRICANE PRESENTATION - LESSONS LEARNED DURING THE 2005 SEASON

E.R. Ashton, Director of Emergency Management, gave a presentation on lessons learned during the 2004-2005 Hurricane Season. (11:04 a.m.) Stevenson left the meeting. (11:09 a.m.) Stevenson re-entered the meeting. Stern commended staff on doing a good job. Stevenson stated that she was glad there were plans to address the EOC being so close to the Atlantic Ocean.

(11:30 a.m.) Ken Bryan, 126 Oyster Catcher Circle, commented on the limitations of the Fire and Rescue Department's radio communication system. (11:34 a.m.) Strickland left the meeting.

(03/21/06 - 11 - 11:34 a.m.)

4. CONSIDER BID # 06-57, VILANO TOWN CENTER ROAD CIVIL DESIGN AND STREETSCAPE DESIGN

Joe Burch, Purchasing Manager, reviewed this item, asking for a motion to transfer funds and to award the contract to the low bidder, Callaway Contracting (Exhibit A). Discussion followed on the funding. (11:40 a.m.) Greg Caldwell, St. Johns County Engineering Department, spoke on the increase in costs and discussion ensued.

(11:46 a.m.) Vivian Browning, 40 Beachcomber Way, spoke on getting the funding and providing economic development to repay the money. She stated that she was in support of items 4, 5 and 6. (11:48 a.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to authorize transfer of \$2,100,000 from the Transportation Trust Fund Reserves (1131-59927) to Vilano Town Center (1283-56301). Motion by Bryant, seconded by Maguire, carried 5/0, to authorize the County Administrator, or his designee, to award a contract to the low bidder, Callaway Contracting, Inc., in the amount of \$6,755,234 for a portion of the Vilano Town Center Road Civil and Streetscape Design and to authorize the County Administrator, or his designee, to execute a change order to the contract in the amount of \$4,578,751.50 once the**

additional funding plan is implemented. Motion by Bryant, seconded by Maguire, carried 5/0, to authorize the County Administrator, or his designee, to negotiate with and enter into a contract with FPL for the relocation of utilities in the amount of \$336,547.

(03/21/06 - 12 - 11:50 a.m.)

5. CONSIDER A MOTION TO ADOPT A RESOLUTION OF ST. JOHNS COUNTY AUTHORIZING A SECOND INTERLOCAL AGREEMENT WITH THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY IN CONNECTION WITH ADDITIONAL FUNDS NEEDED FOR THE VILANO BEACH REDEVELOPMENT PROJECT

Jean Mangu stated that in connection with the approval of the contract for the Vilano Beach Redevelopment Project and the transfer of \$2.1 million from the Transportation Fund, the County asked her to go ahead and prepare a resolution so that the Vilano Community Redevelopment Agency and the monies that were collected, that tax increment revenue, would be available and used to pay back the transfer from the Transportation Fund. Stern asked if the TIF revenue was sufficient to cover this. Timms responded that they think it would be sufficient within the next two to five years to totally fund this. (11:53 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to adopt Resolution 2006-91 of St. Johns County, authorizing a second interlocal agreement with the St. Johns County Community Redevelopment Agency in connection with additional funds needed for the Vilano Beach redevelopment project.**

RESOLUTION NO. 2006-91

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND INTERLOCAL REIMBURSEMENT AGREEMENT WITH ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY IN CONNECTION WITH THE UNDERTAKING OF A REDEVELOPMENT PROJECT FOR THE VILANO BEACH COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE

(11:53 a.m.) Bryant recessed the BCC meeting and convened the Community Redevelopment Agency meeting.

(03/21/06 - 12 - 11:53 a.m.)

6. CONSIDER MOTION TO ADOPT A RESOLUTION OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY, AUTHORIZING A SECOND INTERLOCAL AGREEMENT WITH ST. JOHNS COUNTY IN CONNECTION WITH ADDITIONAL FUNDS NEEDED FOR THE VILANO BEACH REDEVELOPMENT PROJECT

Jean Mangu stated that this was just a parallel resolution authorizing the execution of the interlocal agreement between the St. Johns County Redevelopment Agency and St. Johns County. She stated that it was the same interlocal agreement the Board just approved; only from the perspective of the Community Redevelopment Agency and the Board's roll as the Agency. (11:54 a.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to adopt Resolution No. 2006-2 of the St. Johns County Redevelopment Agency, authorizing a second interlocal agreement with St. Johns County in connection with additional funds needed for the Vilano Beach redevelopment project.**

CRA RESOLUTION NO. 2006-2

A RESOLUTION OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND INTERLOCAL REIMBURSEMENT AGREEMENT WITH ST. JOHNS COUNTY, FLORIDA, IN CONNECTION WITH THE UNDERTAKING OF A REDEVELOPMENT PROJECT FOR THE VILANO BEACH COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE

(11:54 a.m.) Bryant closed the Community Redevelopment Agency meeting.

The meeting moved to item 9.

(03/21/06 - 13 - 1:36 p.m.)

6A. EXTENSION OF THE ECONOMIC DEVELOPMENT GRANT DUE TO EXTENUATING CIRCUMSTANCES

Michael Hunt, Deputy County Attorney, stated that it had been requested that an exception to the policy of the Business Incentive Ordinance be made. He said that Belmarme's incentives were approved at the January 10, 2006 meeting, and their agreement was approved on the consent agenda at the February 21, 2006 meeting. He explained that once approval was granted, there was a 30-day window in which the grant awardee had to execute the agreement. He said Rosana Dixon, the business owner, was out of the country for several weeks and returned to many personal tragedies and had asked for a 30-day extension to execute the agreement. He said that would give her until April 22, 2006 to execute the agreement. He said the Board could grant a 30-day extension if they so chose.

(1:38 p.m.) **Motion by Rich, seconded by Maguire, carried 5/0, that the Board had not deemed the project rejected, in accordance with Section 12, Paragraph E, of the Ordinance, and to grant a 30-day extension until April 22, 2006 on execution of the Economic Development Grant Agreement for Belmarme.**

(03/21/06 - 13 - 2:07 p.m.)

7. REPORT ON THE NORTH VILANO BEACH DRAINAGE IMPROVEMENTS

Joe Stephenson, Public Works Director, introduced the presentation and stated that there had been a chronic drainage problem on Vilano Beach, a study had been undertaken and the study and was now complete.

The original study was conducted by Colleen Wicker, who was represented at the meeting by Rick Welch, who gave the PowerPoint presentation on the North Vilano Beach Drainage Improvements, and the recommendations being made as a result of the study. General discussion followed.

(03/21/06 - 13 - 2:22 p.m.)

8. CONSIDER A RESOLUTION EXPRESSING SUPPORT FOR A ST. JOHNS RIVER BRIDGE CROSSING LOCATION (*See page 10 for public comment on this item.*)

Scott Clem, Assistant County Administrator, gave the presentation. He said if they decided to adopt the resolution, the next step would be to transmit it to the Florida Department of Transportation and to the First Coast NPO. There was general discussion regarding the wording of the resolution.

(2:33 p.m.) Motion by Stern, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2006-92, adding language after "southerly location" to read "at or near the Shands Bridge."

RESOLUTION NO. 2006-92

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA EXPRESSING SUPPORT FOR A SOUTHERLY ST. JOHNS RIVER BRIDGE CROSSING LOCATION

The meeting moved to Item 10.

(03/21/06 - 14 - 11:55 a.m.)

9. CONSIDER A PROPOSED PROJECT FOR THE FOOD LION DRIVEWAY CONNECTIONS

Stevenson stated that this item was to help mediate some transportation, a congested intersection and to promote some interconnectivity to take some trips off a very busy intersection. She mentioned that the mayor of Fruit Cove, Mr. Ray Dever, brought it to her attention.

(11:56 a.m.) Joe Stephenson, Public Works Director, spoke on the access problems at the Food Lion Shopping Plaza on the corner of Racetrack Road and SR 13. He provided proposals for this problem. Maguire mentioned that the conditions mentioned did not include legally giving an easement to the County, or to the public. Stephenson mentioned all they would need would be a temporary construction easement to build it, but it would have to be permanently available to the public. Discussion followed on the easement. Bosanko asked to continue this item to the afternoon.

(12:04 p.m.) Ray Dever, 445 State Road 13, Fruit Cove, spoke on the problem with the access to the Food Lion Shopping Plaza. Rich spoke on this being a capital improvement to private property, using public funds. Discussion ensued.

(12:12 p.m.) Stephenson spoke on a potential traffic signal going in, and the new Gate facility under construction, which complicated traffic even more. Bosanko mentioned that he reviewed the three motions; he recommended a few changes.

(12:14 p.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0, finding that expenditures for this project constitute a public purpose. Motion by Stevenson, seconded by Maguire, carried 5/0, to authorize the County Administrator to authorize the design, permitting and construction of the described improvements, contingent upon the property owners granting temporary construction easements, granting a permanent public access easement to the improvements, and agreeing to accept ownership and maintenance of the completed facilities. Motion by Stevenson, seconded by Maguire, carried 5/0, to authorize the transfer of \$50,000 from the Transportation Trust Fund Capital Reserves (1111-1131-59927) to TTF Capital Projects Improvements, Other Than Buildings, (1111-1114-56301) for the proposed project improvements. It was the consensus of the Board to allow the County Administrator to work in advance for any PUD modifications that may be necessary.**

(12:16 p.m.) Bosanko asked the Board to hear the item on the Neighborhood Bill of Rights, Item 12, at 1:30 p.m.

The meeting recessed at 12:17 p.m. and reconvened at 1:35 p.m. with Bryant, Stevenson, Rich, Maguire, Stern, Adams, Bosanko, Hunt and Terry Bulla, Deputy Clerk, present.

The meeting returned to Item 6a.

(03/21/06 - 15 - 2:34 p.m.)

10. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROPRIATING FUNDS AS A GRANT-IN-AID TO THE PGA TOUR, INC., FOR THE ENHANCEMENT AND SUPPORT OF THE 2006 TOURNAMENT PLAYERS CHAMPIONSHIP AT SAWGRASS

Commissioner Maguire gave the introduction and presentation, and explained the importance of supporting the TPC. There was general discussion about the merits of supporting the request. (2:50 p.m.) Hunt said Bosanko had asked them to consider making a motion to waive their procedural rules governing the Tourist Development Council procedures, so there would be no procedural hindrances to take the action they may be about to take.

(2:52 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to waive the procedural rules.**

(2:53 p.m.) **Motion by Maguire, seconded by Stern, to adopt Resolution No. 2006-93 appropriating \$100,000 from the General Fund Reserve, and \$90,000 from the Category II Tourist Development Tax Fund Reserve, and \$10,000 from TDC Administration Reserve as a grant-in-aid to the PGA Tour, Inc., for the enhancement and support of the 2006 Tournament Players Championship at Sawgrass. General discussion ensued. (3:01 p.m.) The motion carried 4/1, with Rich dissenting.**

RESOLUTION NO. 2006-93

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FUNDING AND AWARDED AID TO THE PGA TOUR, A PRIVATE NON-PROFIT ORGANIZATION, FOR THE ENHANCEMENT OF THE 2006 TOURNAMENT PLAYERS CHAMPIONSHIP AT THE STADIUM COURSE AT SAWGRASS IN PONTE VEDRA BEACH AND THE RESULTING BENEFITS TO COUNTY TOURISM, THE LOCAL ECONOMY, AND THE PUBLIC SAFETY OF THE EVENT

The meeting recessed at 3:02 p.m., and reconvened at 3:09 p.m.

(03/21/06 - 15 - 4:57 p.m.)

11. CONSIDER A MOTION TO ADOPT A RESOLUTION DIRECTING THAT THE PROPOSITION OF CHANGING TO A SEVEN MEMBER BOARD OF COUNTY COMMISSIONERS, AS PROVIDED BY SECTION 124.011, F.S., BE PLACED ON THE BALLOT AT THE NEXT GENERAL ELECTION

Rich explained the proposed resolution to place the issue of the Board of County Commissioners returning to a seven-member board on the ballot for the next general election. Discussion followed on whether to place this issue on the ballot. (5:11 p.m.) Ken Bryan, 126 Oyster Catcher Circle, commented in favor of the resolution. (5:17 p.m.) **Motion by Rich, seconded by Maguire, to adopt Resolution No. 2006-94, directing that the proposition of changing to a seven member board of county commissioners, as provided by Section 124.011, F.S., be placed on the ballot at the next general**

election, with the correction of the scrivener's error in paragraph 3B: the phrase "the two county commissioners" should be "the three county commissioners;" and also in paragraph C, "the three county commissioners" should be "the two county commissioners." Discussion followed on when to place the proposition on the ballot. (5:20 p.m.) The motion carried 5/0.

RESOLUTION NO. 2006-94

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, TO DIRECT A PROPOSITION TO RETURN THE BOARD OF COUNTY COMMISSIONERS BACK TO A SEVEN MEMBER BOARD; TO BE PLACED ON THE BALLOT AT THE NEXT GENERAL ELECTION

(03/21/06 - 16 - 1:38 p.m.)

12. REVIEW OF THE NEIGHBORHOOD BILL OF RIGHTS

Rich asked Bosanko for his opinion on the Neighborhood Bills of Rights. Bosanko stated that it could be prepared and implemented in St. Johns County, but more limited in scope and cost, generally modeled on a similar document now in effect in Jacksonville, Florida. He stated that he did not foresee that such an instrument in itself would grant legal standing to any group of individuals to initiate actions in courts of law, although many individuals and groups may already possess such standing depending on the applicable facts in particular cases. He stated that a copy of the Jacksonville Bill of Rights had been included in the agenda packets.

(1:41 p. m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, spoke in favor of the proposal.

(1:42 p.m.) Marci Silkebaken, 1145 Neck Road, spoke in favor of the Bill of Rights.

(1:44 p.m.) Ron Sanchez, 724 CR 13 South, spoke in favor of the proposal.

(1:45 p.m.) Ken Bryan, 126 Oyster Catcher Circle, spoke in favor of the proposal.

(1:46 p.m.) Bonnie Barnes, 1911 Williams St., Jacksonville Beach, Executive Director, St. Johns Vision, spoke in favor of the proposal.

(1:47 p.m.) Bryant stated he thought people were putting a lot of false faith in what the request was supposed to be, and asked Bosanko to go into the legal ramifications for what was proposed. Bosanko said the Jacksonville Bill of Rights spoke for itself. He recommended legal improvements to the wording. Bryant said he was hearing that the homeowners' associations wanted more notification and that could be easily accomplished.

(1:49 p.m.) Stern said the people wanted more notification and communication, and that the Board and County probably could do a better job, and it could be a very positive thing. She suggested that St. Johns Vision get together with the attorney's office to draft suitable legislation.

(1:52 p.m.) Rich said there was misunderstanding about the issue. He explained his original intent was for him to develop a draft to work on with Bosanko, and then to present it to the Board for their input. There was general discussion among the Board

about better notification and possible ways to develop a Bill of Rights. Maguire stated that the issue was whether they wanted Commissioner Rich to take the issue before the Attorney. (2:06 p.m.) *The consensus of the Board was to allow Rich to work with Bosanko to develop such a draft.*

The Board addressed Item No. 7 next.

(03/21/06 - 17 - 5:20 p.m.)

13. CONSIDER A MOTION FOR CONSENSUS ON A PROPOSED DRAFT INTERLOCAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE ST. JOHNS COUNTY SCHOOL BOARD, AS RELATED TO THE SCHOOL CONCURRENCY PILOT PROGRAM

Teresa Bishop, Planning Director, requested consensus of the Board for a draft interlocal agreement regarding the School Concurrency Pilot Program. Discussion followed on the Program. (5:29 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, for consensus on the proposed Draft Interlocal Agreement between the Board of County Commissioners and the St. Johns County School Board to be submitted in draft to the DCA by March 31, 2006.**

(03/21/06 - 17 - 5:30 p.m.)

14. PUBLIC HEARING - PRD 2005-08, COLEE COVE LANDING PLANNED RURAL DEVELOPMENT - COLEE COVE LANDING NORTH PRD WAS ORIGINALLY APPROVED ON JANUARY 14, 2003 FOR UP TO 23 DWELLING UNITS ON 126.04 ACRES. THE APPLICANT ALSO OWNS LAND ADJACENT TO THE EAST SIDE OF THE PRD AND IS PROPOSING A PRD ON THAT PARCEL (MUELLER'S LANDING PRD). THE APPLICANT HAS DETERMINED THAT THE LAYOUT OF THE COLEE COVE LANDING NORTH PRD COULD BE IMPROVED SLIGHTLY AND IS REQUESTING THAT TWO PARCELS TOTALING 27.04 ACRES BE REMOVED FROM THE PRD AND TWO PARCELS TOTALING 16.40 ACRES BE ADDED TO THE SOUTH END OF THE COLEE COVE LANDING PRD. THE PARCELS TO BE REMOVED AND THE PARCELS TO BE ADDED ARE ALL RESERVE AREA PARCELS AND THERE IS A NET REDUCTION IN RESERVE AREA OF 10.64 ACRES AND THE PRD ACREAGE WILL ALSO BE REDUCED BY 10.64 ACRES. IN ADDITION, THE PRD WILL RETAIN THE RATIO (90/10) OF RESERVE AREA TO DEVELOPMENT AREA. THE NORTHERN PARCEL TO BE REMOVED WILL BE INCORPORATED INTO THE PROPOSED MUELLER'S LANDING PRD AS A COMMUNITY OPEN SPACE PARK AS PART OF THAT PRD'S RESERVE AREA. THE CENTRAL PARCEL WILL ALSO BE ADDED TO THE PROPOSED MUELLER'S LANDING PRD. NO OTHER CHANGES ARE PROPOSED AND NO WAIVERS ARE REQUESTED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS MODIFICATION AT THEIR MARCH 2, 2006 MEETING BY A VOTE OF 7 TO 0

Proof of publication for the notice of public hearing regarding PRD 2005-08, Colee Cove Landing North Planned Rural Development, was received, having been published in *The St. Augustine Record* on March 6, 2006.

Bruce Ford, Chief Planner, explained the request to modify boundaries of the original PRD to relocate reserve areas. (5:36 p.m.) Ford then explained Agenda Item #15, the request to rezone to PRD for up to 59 single-family units. Agenda Items #14 & #15 were discussed simultaneously. (5:44 p.m.) Karen Taylor, 3070 Harbor Drive, shared the concerns of the community regarding: the additional property owned by the family; the property concentrated on the north end of the Mueller's Landing property; access to

the property; and the park area. Discussion followed regarding a conservation easement on the property and the current farming in the area. (5:56 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-31, known as PRD 2005-08, Colee Cove Landing North PRD; adopting findings of fact 1 - 5 to support the motion.**

ORDINANCE NO. 2006-31

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO PLANNED RURAL DEVELOPMENT (PRD) ORDINANCE NUMBER 2003-02 AND REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) AND PLANNED RURAL DEVELOPMENT (PRD) TO PLANNED RURAL DEVELOPMENT; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/21/06 - 18 - 5:56 p.m.)

15. PUBLIC HEARING - PRD 2005-07, MUELLER'S LANDING PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 296.75 ACRES LOCATED IN WEST CENTRAL ST. JOHNS COUNTY BETWEEN PALMO FISH CAMP ROAD AND THE ST. JOHNS RIVER, FROM OPEN RURAL (OR) AND PLANNED RURAL DEVELOPMENT (PRD) TO PLANNED RURAL DEVELOPMENT FOR THE DEVELOPMENT OF FIFTY NINE (59) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 90/10% RULE FOR DENSITY: DEVELOPMENT AREA EQUALS 29.67 ACRES AND RESERVE AREA EQUALS 267.08 ACRES. LOTS WILL BE A MINIMUM OF 1.5 ACRES AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE APPROXIMATELY 7,000 SQUARE FEET IN SIZE. THE TOTAL BUILDING COVERAGE WITHIN THE DEVELOPMENT AREAS SHALL NOT EXCEED THIRTY-FIVE PERCENT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS MODIFICATION AT THEIR MARCH 2, 2006 MEETING BY A VOTE OF 7 TO 0

Proof of publication for the notice of public hearing regarding PRD 2005-07, Mueller's Landing Planned Rural Development, was received, having been published in *The St. Augustine Record* on March 6, 2006.

This item was discussed simultaneously with Agenda Item #14. (5:56 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-32, known as PRD 2005-07, Mueller's Landing PRD; adopting findings of fact 1 - 5 to support the motion.**

ORDINANCE NO. 2006-32

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

SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/21/06 - 19 - 3:09 p.m.)

16. PUBLIC HEARING - MAJMOD 2005-35, NORTHRIDGE LAKES PUD - THIS REQUEST SEEKS TO MODIFY THE APPROVED PUD LOCATED ON WOODLAWN ROAD, PRIMARILY TO REDUCE THE TOTAL UNITS FROM 665 TO 632 AS A RESULT OF ADDING THREE SINGLE-FAMILY UNITS AND REMOVING 36 MULTI-FAMILY UNITS. THE MODIFICATION WILL ALSO REDUCE THE PERCENTAGE OF AFFORDABLE UNITS FROM 68% (452 UNITS) TO 18% (114 UNITS). THERE WILL BE A TOTAL OF 518 MARKET RATE UNITS AND 114 AFFORDABLE UNITS. THE APPLICANT HAS STATED THAT DUE TO UNFORESEEN CIRCUMSTANCES FOLLOWING APPROVAL OF THE ORIGINAL PUD, THE ABILITY TO PROVIDE 452 OR 68% AFFORDABLE UNITS IS NO LONGER FINANCIALLY POSSIBLE. THE APPLICANTS HAVE FACED DELAYS DUE TO A NUMBER OF ISSUES INCLUDING PROVISION AND TIMING OF WATER AND SEWER SERVICE FROM THE CITY OF ST. AUGUSTINE, WETLANDS IDENTIFICATION AND PERMITTING, LEGAL CHALLENGES TO THE PUD AND INCREASED COSTS OVER TIME. THE PLANNING AND ZONING AGENCY MADE A RECOMMENDATION TO APPROVE THIS MODIFICATION AT ITS MARCH 2, 2006 MEETING BY A VOTE OF 7 TO 0

Proof of publication for the notice of public hearing regarding MAJMOD 2005-35, Northridge Lakes PUD, was received, having been published in *The St. Augustine Record* on March 6, 2006.

Linda Fake, Court Reporter, was present.

Bruce Ford, Chief Planner, gave the presentation and explained the requested modifications to the PUD that approved 687 units; they were requesting to go down to 632. In addition they were reducing the affordable housing units from 472, or 68%, of the original PUD down to 114 affordable units, or 18%, of the proposed modified PUD. He gave other details of the plan. He stated that staff recommended approval and PZA had approved the request by a vote of 7/0.

(3:16 p.m.) Stern asked about a waiver that had been requested. Ford responded that they were asking for a 45-foot setback for the townhomes and condominiums, as opposed to the required 50-foot setback. He stated it was originally approved in 2000. Stern asked why there was such a delay. Ford said the applicant was prepared to answer that question.

Bryant stated that when the PUD was originally approved it was totally for affordable housing, and questioned the original funding source. Tom Crawford, Director of Housing Community Services, said 68% was to be affordable housing and was funded by Florida Low Income Housing Associates. He explained that concurrency required funding and it was a significant amount, and 61 units had half funding. He said they paid impact fees for the 61 units and the developer's pockets were not deep enough to pay the other \$701,000 in impact fees. They were able to bring in additional developers and were now ready to move forward with fewer units. Crawford said he wanted to preserve the down payment money for the 61 affordable units. (3:24 p.m.) Bryant stated he had reservations at the time of the original approval because of the CDD and that low-income residents couldn't afford it on top of taxes. He said he would hate to

see it go away, but it was a very large project, and he could not support switching over that number to regular housing. Stern also expressed concern for the large number of units, which would become regular priced housing. (3:30 p.m.) Stevenson asked about impact fees and said it would be a shame to lose the units for lack of a bridge loan, and asked about the down payment money. Crawford said \$1.4 million in down payment money would be returned to the State. (3:33 p.m.) Maguire stated he could not support the motion at all.

(3:36 p.m.) Dan Mowery, 19 Old Mission Ave., attorney for Northridge Lakes, LLC, clarified the number of homes involved in the project: 687 to 632, with 52 multi-family units. He referred to the 61 homes that had received funding, and said they were single-family homes that were 1,100 to 1,200 square feet. He said the 53 additional were townhomes. He responded to the question regarding the delays, and presented the statistics on the financial setbacks they had encountered and why.

(3:39 p.m.) John Chapman, 509 Turnberry Lane, said affordable housing was workforce housing, for people like police officers, firefighters, teachers and others who could not afford to live in St. Johns County. He said this was an opportunity for 114 families to live in the county and if they voted it down, and they would be driving away the county's workforce. He explained that the houses in the program would stay in the program even if the original owners moved on to other housing. A new qualified applicant would be able to buy the house. (3:45 p.m.) Maguire stated everything he said was accurate and true but his concerns were the 330 families they were not giving homes to. Chapman said they were losing 452 if this did not move forward. He said if they did not support it today the developer would sell the land, the deal would fall through. He said they had been required to add components to the development that were not in the original PUD, and as a result had to reduce the number of houses within the project by 33 homes.

(3:50 p.m.) Michael Pullion, PA Consulting, 3000 US 1, St. Augustine, had to reduce the amount of homes due to wetland mitigation. He said the developer was actually losing money. He said it was a result of the Water Management District asking them to remove 55 homes. He outlined other problems that had caused them delay, including water and sewage line installation to the City plant, which was required by the City.

(3:53 p.m.) Chapman said they were hoping to offset affordable housing problems in St. Johns County, and that John Wood was willing to bail them out. He asked them not to deny the 114 units. Maguire asked John Wood about impact fees, and to explain the issue. John Wood, 1 Avista Circle, explained that due to the length of time, the County reversed its decision on the availability of funds from the time that the original funding came forth. Tom Crawford clarified that the County supported the project up to \$2,000,000, or \$5,000 per unit, if the funding was available, but later reversed its position. Maguire said he was disappointed that the County did not meet its commitment. He asked if the new impact fee would offer relief. He added that the County might be a player in the cause for them losing some of those units. Maguire said he wanted to save as many of these as they could. Chapman said his immediate concern was for saving the 114 units that were currently funded.

(4:01 p.m.) Stevenson said she was undecided and was still trying to understand. She asked for a few minutes to review the materials submitted by the developer. (4:05 p.m.) Rich asked for clarification on the numbers. He stated he was upset with the City of St. Augustine, and said he would like to table the issue to see if there was some way to save the project by putting more moderate units in the project. (4:08 p.m.) Stern said she was passionate about affordable housing as well. She agreed that they should not

throw away the chance for 114 units while also losing 358 other units. (4:11 p.m.) Dan Mowery said there were 52 multi-family units and 3 single-family units, for a total of 55 affordable units lost. Wood expressed frustration with tabling the item, as time cost them greatly. Stern said she was mad about the delays, especially with water and sewer with the City of St. Augustine. Teresa Bishop explained the City's concurrency requirements and why things fell through. She said the capacity was not reserved until someone paid a unit connection fee. (4:16 p.m.) Wood asked to review and condense the issues they had been battling.

(4:16 p.m.) Yvonne King, Deputy Clerk, entered the meeting; and Terry Bulla left the meeting.

Discussion followed on the project being in compliance with the comp plan; low and moderate-income levels; and the number of affordable housing units. (4:43 p.m.) **Motion by Maguire, seconded by Stevenson, carried 5/0, to continue the public hearing to April 4, 2006.**

The meeting recessed at 4:46 p.m. and reconvened at 4:57 p.m.

(03/21/06 - 21- 5:57 p.m.)

17. PUBLIC HEARING - NOPC 2006-03 NOCATEE DRI - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE NOCATEE DRI DEVELOPMENT ORDER: REVISE THE DEVELOPMENT ORDER TO REQUIRE THE HIGH SCHOOL SITE TO BE LOCATED WITHIN OAK HAMMOCK VILLAGE NORTH. OAK HAMMOCK VILLAGE NORTH REPRESENTS ONE OF THE EASTERN MOST VILLAGES WITHIN NOCATEE. THE RELOCATION OF THE HIGH SCHOOL SITE IS INTENDED TO BETTER SERVE STUDENTS IN THE PALM VALLEY/PONTE VEDRA AREA OF THE COUNTY; MODIFY THE TIMING OF THE REQUIRED DONATION OF THE LIBRARY SITE AND COUNTY ANNEX FROM PHASE 2 TO "AS REQUESTED BY ST. JOHNS COUNTY;" REVISE THE NEIGHBORHOOD PARK ACREAGE BY 20 ACRES AND INCREASE THE GREENWAY ACREAGE BY 20 ACRES. IN ADDITION, THE APPLICATION REQUESTS THAT AT LEAST 150 ACRES OF THE TOTAL 250 ACRES OF PARKS BE COMMUNITY PARKS, WITH THE REMAINDER AS NEIGHBORHOOD PARKS. THE PROPOSAL DOES NOT RESULT IN A NET DECREASE IN OPEN SPACE. THE MINIMUM ACREAGES OF NEIGHBORHOOD AND COMMUNITY PARKS BY PHASE ARE PROPOSED TO BE ADJUSTED PRO RATA; AND REQUEST THE USE OF BIENNIAL REPORTING. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM DURING THE MARCH 16, 2006 MEETING. THE RECOMMENDATION WILL BE PROVIDED TO THE BOARD DURING THE STAFF PRESENTATION

Proof of publication for the notice of public hearing regarding NOPC 2006-03, Nocatee DRI, was received, having been published in *The St. Augustine Record* on February 27, 2006.

Lindsay Haga, Planner III, explained the request to revise the Nocatee DRI to reduce the neighborhood park acreage by 20 acres; relocate the high school site to the eastern boundary of the DRI (Oak Hammock Village North), modify the timing of the donation of a library site and county annex, and utilize biennial reporting. (5:59 p.m.) Tom Engram, 245 Riverside Avenue, Jacksonville, representing the applicant, proposed a simultaneous increase in the amount of greenway acreage from 4,961 to 4,981. (6:00 p.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0, to adopt Resolution No.**

2006-95, approving a Notice of Proposed Change to the Nocatee DRI Development Order, adopting findings of fact 1 - 4 to support the motion.

RESOLUTION NO. 2006-95

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE NOCATEE DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON FEBRUARY 23, 2001, UNDER RESOLUTION 2001-30; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/21/06 - 22 - 6:00 p.m.)

18. PUBLIC HEARING - MAJMOD 2005-26, OAK HAMMOCK MDP/ NOCATEE PUD - THIS IS AN EXISTING MASTER DEVELOPMENT PLAN, APPROVED WITHIN THE NOCATEE PLANNED UNIT DEVELOPMENT. THE NOCATEE PUD REQUIRES INCREMENTAL MASTER DEVELOPMENT PLANS TO BE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS. THIS MDP WAS APPROVED IN 2004. THEREFORE, CHANGES TO THE ADOPTED MDP MUST FOLLOW THE PROCEDURES OF SECTION 5.03.03 OF THE LAND DEVELOPMENT CODE. THIS MAJOR MODIFICATION PROPOSES TO UPDATE THE LEGAL DESCRIPTION, MODIFY THE PROJECT ACREAGE, RECONFIGURE THE VILLAGE CENTER NORTH AND SOUTH PARCELS, REDEFINE THE SQUARE FOOTAGE OF THE AMENITY CENTER BUILDING, INCREASE THE NUMBER OF MULTI FAMILY UNITS, DECREASE SINGLE FAMILY UNITS, MODIFY THE VEHICULAR AND PEDESTRIAN CONNECTION, MODIFY THE LOCATION OF PARKS AND WETLAND IMPACTS AND UPDATE THE UPLAND BUFFER LANGUAGE. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM DURING THE MARCH 16, 2005 HEARING. THE RECOMMENDATION WILL BE PROVIDED DURING THE PUBLIC HEARING

Proof of publication for the notice of public hearing regarding MAJMOD 2005-26, Oak Hammock MDP/Nocatee PUD, was received, having been published in *The St. Augustine Record* on February 27, 2006.

Lindsay Haga, Planner III, explained the requested modification to the PUD. (6:01 p.m.) Don Smith, 14775 St. Augustine Road, was present to answer questions. (6:02 p.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance No. 2006-33, known as MAJMOD 2005-26, Oak Hammock MDP; adopting findings of fact 1-6 to support the motion.**

ORDINANCE NO. 2006-33

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE OAK HAMMOCK MASTER DEVELOPMENT PLAN (MDP) RESOLUTION NUMBER 2004-29, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/21/06 - 23 - 6:02 p.m.)

19. PUBLIC HEARING - NOPC 2006-02, ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT (DRI) - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE ST. AUGUSTINE CENTRE DRI DEVELOPMENT ORDER: REVISE THE DRI DEVELOPMENT ORDER TO CARRY FORWARD UNUSED PHASE 2 RIGHTS INTO THE THIRD AND FINAL PHASE (PHASE 3). REVISE THE PHASING SCHEDULE TO EXTEND THE BUILD OUT DATE OF PHASE 3 BY FOUR YEARS, 364 DAYS AND TO EXTEND THE TERMINATION/EXPIRATION DATE BY THE SAME AMOUNT. THE BUILDOUT DATE IS EXTENDED FROM DECEMBER 31, 2006 TO DECEMBER 30, 2011. THE TERMINATION DATE IS EXTENDED FROM DECEMBER 31, 2006 TO DECEMBER 30, 2011. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM DURING THE MARCH 16, 2006 MEETING. THE RECOMMENDATION WILL BE PROVIDED TO THE BOARD DURING THE STAFF PRESENTATION

Proof of publication for the notice of public hearing regarding NOPC 2006-02, St. Augustine Centre Development of Regional Impact (DRI), was received, having been published in *The St. Augustine Record* on February 27, 2006.

Items 19 & 20 were addressed simultaneously. Lindsay Haga, Planner III, explained the requested notice of proposed change and the modification to the PUD. (6:03 p.m.) Tom Engram, 245 Riverside Avenue, Jacksonville, was present for questions. (6:03 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2006-96, approving a Notice of Proposed Change to the St. Augustine Centre DRI Development Order; adopting findings of fact 1 - 4 to support the motion.**

RESOLUTION NO. 2006-96

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 97-77); FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/21/06 - 23 - 6:04 p.m.)

20. PUBLIC HEARING - MAJMOD 2006-02, ST. AUGUSTINE CENTRE PUD/DRI - THIS IS AN EXISTING PLANNED UNIT DEVELOPMENT WITHIN THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT (DRI). THE MAJOR MODIFICATION WOULD REVISE THE PUD AND TRANSFER UNUSED PHASE 2 DEVELOPMENT RIGHTS INTO THE THIRD AND FINAL PHASE. THE MODIFICATION INCLUDES A REQUEST TO EXTEND THE END DATE OF PHASE 3 BY FOUR YEARS, 364 DAYS. THIS MAJOR MODIFICATION IS THE COMPANION APPLICATION TO THE NOPC 2006-02, WHICH PROVIDES FOR THE CHANGES REQUESTED HEREIN. THE SITE IS LOCATED IN THE MIXED USE DISTRICT OF THE 2015 FUTURE LAND USE MAP. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER/SEWER BY THE ST. JOHNS COUNTY UTILITIES. FINAL CERTIFICATE OF CONCURRENCY 98-CD-45, AS AMENDED, REMAINS VALID FOR DEVELOPMENT IN PUD PARCELS A, B, C, D AND E BASED ON APPROVED CONSTRUCTION PLANS FOR ALL INFRASTRUCTURE TO

SERVE THESE AREAS. ADDITIONAL CONCURRENCY REVIEW IS NOT REQUIRED FOR THIS MODIFICATION. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM AT THEIR MARCH 16, 2006 MEETING. THE RECOMMENDATION WILL BE PROVIDED DURING THE PUBLIC HEARING

Proof of publication for the notice of public hearing regarding MAJMOD 2006-02, St. Augustine Centre PUD/DRI, was received, having been published in *The St. Augustine Record* on February 27, 2006.

See Item #18 for discussion as it was addressed simultaneously. (6:04 p.m.) **Motion by Stern, seconded by Rich, carried 5/0, to enact Ordinance No. 2006-34, known as MAJMOD 2006-02, St. Augustine Centre PUD, adopting findings of fact 1 - 6 to support the motion.**

ORDINANCE NO. 2006-34

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE CENTRE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 97-23, AS AMENDED, MAKING FINDING OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/21/06 - 24 - 6:04 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stern:

No report.

(6:04 p.m.)
Commissioner Maguire:

Maguire requested that the public e-mail their concerns regarding the location of schools to the School Board.

(6:05 p.m.)
Commissioner Stevenson:

No report.

(6:05 p.m.)
Commissioner Rich:

Rich addressed the issue regarding the neighborhood bill of rights.

(6:09 p.m.)
Commissioner Bryant:

Bryant requested that Stephenson report on the new traffic signals. Stephenson reported on the two traffic signals that were turned on this week; one at Leo Maguire Parkway and CR 210; and the other at Watson Road and US 1 South.

(03/21/06 - 25 - 6:11 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board of the Special Meeting scheduled for Wednesday, March 22, 2006 at 9:00 a.m.

(03/21/06 - 25 - 6:11 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(03/21/06 - 25 - 6:11 p.m.)
CLERK OF COURT'S REPORT

No report.

(6:11 p.m.) **Motion by Stevenson, seconded by Stern, carried 5/0, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 6:11 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, Check Nos. 380410 through 380731, totaling \$1,765,708.80 (02/28/06)
2. St. Johns County Board of County Commissioners' Check Register, Check Nos. 380732 through 380737, totaling \$150,375.43 (03/01/06)
3. St. Johns County Board of County Commissioners' Check Register, Check Nos. 380738 through 380760, totaling \$40,764.33 (03/02/06)
4. St. Johns County Board of County Commissioners' Check Register, Check No. 380761, totaling \$6,327.16 (03/03/06)
5. St. Johns County Board of County Commissioners' Check Register, Check Nos. 380762 through 381101, totaling \$3,755,410.96 (03/07/06)
6. St. Johns County Board of County Commissioners' Check Register, Check No. 381102, totaling \$200.00 (03/07/06)

CORRESPONDENCE:

1. Letter to Misty Pearson, Bureau of Administrative Code, regarding corrections to Ordinance No. 2006-14 (02/28/06)
2. Letter to Executive Director, Florida Inland Navigation District, regarding Interlocal Agreement for Project #LAN 06-3.263 (03/03/06)
3. Letter to Executive Director, Florida Inland Navigation District, regarding Interlocal Agreement for Project #LAN 06-3.263 (03/07/06)
4. Letter to Liz Cloud, Chief, Bureau of Administrative Code, filing Ordinance Numbers 2006-20 through 2006-28 (03/10/06)
5. Letter to Denise Bunnewith, Executive Director, First Coast MPO, regarding a duplicate original for the Joint Participation Agreement between St. Johns County and First Coast Metropolitan Planning Organization for a Transit Development Plan (03/13/06)

Approved _____ May 30 _____, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk