

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 27, 2006
(8:00 A.M.)**

Proceedings of a special/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
Ben Rich, District 3
Bruce A. Maguire, District 4
Ben W. Adams, Jr., County Administrator
Dan Bosanko, County Attorney
Isabelle Lopez, Senior Assistant County Attorney
Terry Bulla, Deputy Clerk

Absent: Karen R. Stern, District 2
Also present: Cheryl Strickland, Clerk of Court

(06/27/06 - 1 - 8:06 a.m.)
CALL TO ORDER

Bryant called the special meeting to order.

(06/27/06 - 1 - 8:06 a.m.)

1. CLOSED SESSION - THIS IS A SPECIAL PRIVATE ATTORNEY/CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS, HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS AND ST. JOHNS COUNTY, DIVISION OF ADMINISTRATIVE HEARINGS CASE NO.: 05-1787 GM. THE OWNERS OF THE PROPERTY (HELOW PROPERTIES, LTD.) HAVE FILED A MOTION TO INTERVENE. CONFERENCE ROOM "A" HAS BEEN RESERVED FOR THIS MEETING

Bryant announced those who would be attending the closed-door meeting: Commissioners James E. Bryant, Cyndi Stevenson, Bruce A. Maguire, Ben Rich; Ben W. Adams, Jr., County Administrator; Dan Bosanko, Esq., County Attorney; Isabelle Lopez, Esq., Senior Assistant County Attorney; and Linda Fake, Court Reporter. Karen Stern was not in attendance.

(8:06 a.m.) Bosanko informed the Board that he needed advice concerning the lawsuit between the Florida Department of Community Affairs and the Board of County Commissioners of St. Johns County, Division of Administrative Hearings Case No.: 05-1787 GM.

(8:07 a.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Stern absent, to adjourn the special meeting.** The meeting adjourned to Conference Room A.

(8:41 a.m.) The special meeting was reconvened. **Motion by Bryant, seconded by Maguire, carried 4/0 with Stern absent, to close the special meeting.**

(06/27/06 - 2 - 9:06 a.m.)

CALL TO ORDER

Bryant called the regular meeting to order.

(06/27/06 - 2 - 9:06 a.m.)

ROLL CALL

Bryant stated that four commissioners were present: Stern was out of town.

(06/27/06 - 2 - 9:07 a.m.)

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

(06/27/06 - 2 - 9:08 a.m.)

PROCLAMATION COMMEMORATING THE 10TH ANNIVERSARY OF THE FORT MOSE HISTORICAL SOCIETY

Commissioner Maguire read the proclamation, which was accepted by City Commissioner Errol Jones, President for the Society; with Lorenzo Laws, past President; Carrie Browder, Park Service Specialist; Paul Crawford, Manager of Fort Mose State Park; Derek Hankerson, Project Coordinator St. Johns Housing and Community Services; and Ruth Motley.

(06/27/06 - 2 - 9:14 a.m.)

PRESENTATION TO SCOTT CLEM

Adams announced that Scott Clem would be retiring on July 1, and gave special recognition for his service to the County. He reviewed the various positions Clem had filled since his earliest employment with the County, and gave some of the accomplishments and projects completed under his guidance. He presented a plaque to Clem commemorating his 15 years of service with the County. Clem thanked Adams for his encouragement and support, thanked his staff and the BCC.

(06/27/06 - 2 - 9:19 a.m.)

PRESENTATIONS TO GLORIA BENESCHICK AND CYNTHIA BRICHE

Bob Peters, Human Resources Director, presented awards to Gloria Benischeck and Cindi Briche upon their retirement from the Social Services Department.

(06/27/06 - 2 - 9:22 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to accept the proclamations as presented.

(06/27/06 - 2 - 9:23 a.m.)

PUBLIC COMMENT

Bill Smith, 1351 Iveyhedge Ave., member of the Stonehurst Plantation Board of Directors, stated that the Board was unanimously in favor of the proposed access road to CR 2209 from Stonehurst Plantation.

(9:24 a.m.) Don Beattie, 808 Mill Pond Court, spoke on previous statements made by Mr. Fishkind during ADA presentations. He said they were warned by Fishkind of impending budget problems and chose to ignore his warnings.

(9:29 a.m.) Rich responded that assumptions were made in order for Fishkind to make his statements and questioned how models worked. Beattie said they were a bunch of numbers and equations that someone put together to predict the future, and the outcome was dependent upon how they were put together. He noted they could be manipulated in many ways in order to influence the outcome, and were based upon whatever assumptions were initially made.

(9:36 a.m.) Maguire questioned if he was implying that Fishkind was cooking the books. Beattie said that was not what he had said, and repeated his statement. Maguire said his comment concerned him.

(9:38 a.m.) Dwight Hines, 150 Nesmith Ave., spoke regarding the budget, particularly about Emergency Services.

(9:41 a.m.) Virginia Whetstone, 297 St. George St., St. Augustine, stated she was there to discuss her lawsuit against the County. She said it had been going on for 8 ½ years and the County had spent over \$85,000 in outside legal expenses. She said it involved the County building a lift station on property, which they did not own or lease; it had been built on her property. She asked why the County was skirting the responsibility for this problem. She said the County needed to take responsibility for its mistakes, and those of its contractors.

(9:49 a.m.) Bosanko said the case was in litigation and stated there were more facts relevant to the matter than those stated by Whetstone. He said the property was purchased after the pump station was planned. He noted that efforts had been made to settle the matter, and those efforts were continuing.

(9:49 a.m.) Maguire said he inspected the site and there was an odor problem.

(06/27/06 - 3 - 9:50 a.m.)

DELETIONS TO THE CONSENT AGENDA

Rich requested that Item 12 be moved to the Regular Agenda as Item A1.

(06/27/06 - 3 - 9:50 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Rich, seconded by Maguire, carried 4/0 with Stern absent, to accept the agenda as amended.

1. Approval of the Cash Requirement Report
2. Minutes:
 - 03/20/06 - BCC Special Meeting
 - 03/22/06 - BCC Special Meeting
 - 04/18/06 - BCC Regular Meeting
 - 04/19/06 - BCC Special Meeting
 - 06/13/06 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2006-197**, recognizing unanticipated revenue in the amount of \$16,679, and increasing the General Fund Contributions—State Aid Revenue (0001-33470-1054-33470), and increasing the expenditure budget of the Library State Aid (0001-0078-55206) in the same amount

RESOLUTION NO. 2006-197

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

4. Motion to adopt **Resolution No. 2006-198**, recognizing unanticipated revenue in the amount of \$1,209, and increasing the General Fund Donations—Southeast Branch (0001-36612), and increasing the expenditure budget of the Library Donated Operating Supply-Southeast Branch (0001-0078-55227) in the same amount

RESOLUTION NO. 2006-198

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

5. Motion to adopt **Resolution No. 2006-199**, recognizing unanticipated revenue in the amount of \$3,957, and increasing the General Fund Donations—Ponte Vedra Beach Branch (0001-36610), and increasing the expenditure budget of the Library Donated Operating Supply-Ponte Vedra Beach Branch (0001-0078-55221) in the same amount

RESOLUTION NO. 2006-199

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

6. Motion to adopt **Resolution No. 2006-200**, recognizing unanticipated revenue in the amount of \$625, and increasing the General Fund Donations—Bartram Trail Branch (0001-36611), and increasing the expenditure budget of the Library Donated Operating Supply - Bartram Trail Branch (0001-0078-55224) in the same amount

RESOLUTION NO. 2006-200

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

7. Motion to adopt **Resolution No. 2006-201**, authorizing the County Administrator to execute Amendment No. 4 to DEP Contract No. RP565 to increase the funding

increment amount of the contract for service from July 1, 2006 to September 5, 2006; and motion to adopt **Resolution No. 2006-202**, recognizing unanticipated revenue in the amount of \$31,122 (1113-36603) Contributions, and increasing the Salaries budget account (1136-52100)

RESOLUTION NO. 2006-201

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT NO. 4 TO DEP CONTRACT NO. RP565 TO PROVIDE LIFEGUARDS TO ANASTASIA STATE RECREATION AREA

RESOLUTION NO. 2006-202

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

8. Motion to approve the transfer of \$315,000 from Recreation Projects Sales Tax Bond Fund (3361-56301) to Amphitheater Sales Tax Bond Fund (3364-56200) for the completion of the roof canopy, drainage, kitchen, concessions and wall coating, and transfer \$18,000 from Recreation Projects (3361-56301) to Amphitheater Sales Tax Bond Fund (3364-56301) to complete the arboretum
9. Motion to adopt **Resolution No. 2006-203**, recognizing unanticipated revenue in the amount of \$74,793 [0001-33420], and increasing the State Grant Expenditure Budget line item [0048-55305-1091-55305] of the EMS Fund by the same amount

RESOLUTION NO. 2006-203

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

10. Motion to adopt **Resolution No. 2006-204**, recognizing unanticipated revenue in the amount of \$12,318.74, and increasing the General Fund Federal Grant Revenue (0001-33162), and increasing the expenditure budget of the Supervisor of Elections Federal Grant Expenditure (0030-55304) in the same amount

RESOLUTION NO. 2006-204

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 ELECTIONS DEPARTMENT

11. Motion to authorize the County Administrator, or his designee, to purchase one 60 foot working height over center articulating aerial device with material handler, including cab and chassis, from Altec Industries, in accordance with Bid No: 06-96 in the amount of \$160,498
12. Motion to authorize the County Administrator, or his designee, to approve a purchase order for \$175,800 for Randall G. Tedder Construction, Inc., to replace the existing Usina Boat Ramp, and install a new dock per the attached May 29, 2006 proposal

This item was pulled and placed on the Regular Agenda as Item No. A1.

13. Motion to adopt **Resolution No. 2006-205**, authorizing the extension of the Joint Participation Agreement with First Coast MPO to fund and complete a Transit Development Plan, and authorizing the County Administrator, or his designee, to execute any agreement necessary to extend the Joint Participation Agreement with the First Coast MPO

RESOLUTION NO. 2006-205

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXTENSION OF A JOINT PARTICIPATION AGREEMENT WITH THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION (MPO) TO FUND AND COMPLETE A TRANSIT DEVELOPMENT PLAN (TDP)

14. Motion to adopt **Resolution No. 2006-206**, authorizing the County Administrator, or his designee, to apply for and execute Federal Transit Administration Grants for the purpose of receiving Federal Transportation Assistance authorized by 49 U.S.C. Chapter 53, Title 23 United States Code, and other Federal Statutes administered by the Federal Transit Administration

RESOLUTION NO. 2006-206

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO FILE AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION, WHICH PROVIDES THE ON-GOING OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

15. Motion to adopt **Resolution No. 2006-207**, approving the terms of a License Agreement authorizing the use of a portion of County owned property on Alhambra Drive in St. Augustine Shores for RV/boat storage, and authorizing the County Administrator to execute the License Agreement on behalf of the County

RESOLUTION NO. 2006-207

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING USE OF A PORTION OF THE COUNTY OWNED PROPERTY ON ALHAMBRA DRIVE IN ST. AUGUSTINE SHORES FOR RV/BOAT STORAGE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LICENSE AGREEMENT ON BEHALF OF THE COUNTY

16. Motion to adopt **Resolution No. 2006-208**, approving the terms of, and authorizing the County Administrator to execute, a certain Purchase and Sale Agreement for property needed for the improvements to Russell Sampson Road from Marie-Therese and Steven Wayne Brickhouse

RESOLUTION NO. 2006-208

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 FROM MARIE-THERESE AND STEVEN WAYNE BRICKHOUSE

17. Motion to adopt **Resolution No. 2006-209**, approving the terms of, and authorizing the County Administrator to execute, a certain Purchase and Sale Agreement for property needed for the improvements to Russell Sampson Road from Todd and Ashley Wilson

RESOLUTION NO. 2006-209

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 FROM TODD AND ASHLEY WILSON

18. Motion to adopt **Resolution No. 2006-210**, accepting an Easement for Utilities for a water main extension to complete the loop around World Golf Village to provide better flow to the residents in the area

RESOLUTION NO. 2006-210

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR A WATER MAIN EXTENSION TO COMPLETE THE LOOP AROUND WORLD GOLF VILLAGE TO PROVIDE BETTER FLOW TO THE RESIDENTS IN THE AREA

19. Motion to adopt **Resolution No. 2006-211**, accepting a Corrective Warranty Deed for property donated to St. Johns County in 1986 for use by St. Johns County Cooperative Extension Service/4-H Programs

RESOLUTION NO. 2006-211

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE WARRANTY DEED FOR PROPERTY DONATED TO ST. JOHNS COUNTY IN 1986 FOR USE BY ST. JOHNS COUNTY COOPERATIVE EXTENSION SERVICE/4-H PROGRAMS IN THE ARMSTRONG AREA OFF OF SR207

20. Motion to adopt **Resolution No. 2006-212**, approving the terms and conditions of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida and Sawl Enterprises, Inc. d/b/a ABC Roll-Off, and authorizing the County Administrator, or designee, to execute the Non-Exclusive Franchise Agreement on behalf of the County

RESOLUTION NO. 2006-212

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ABC ROLL OFF, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDMENT TO THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

21. Motion to adopt **Resolution No. 2006-220**, approving the terms of and authorizing the 2nd Amendment to the Purchase and Sale Agreement with New Beginnings Baptist Church, extending the closing date an additional 90 days giving the Sellers time to close on their new church site

RESOLUTION NO. 2006-220

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE 2ND AMENDMENT TO THE PURCHASE AND SALE AGREEMENT EXTENDING THE CLOSING DATE AN ADDITIONAL 90 DAYS GIVING THE SELLERS ADDITIONAL TIME TO CLOSE ON THEIR NEW CHURCH SITE

22. Proofs:
a. Proof, Notice of Meeting, Special/Private Meeting of the Board of County Commissioners, Wednesday, June 14, 2006 at 8:00 am

- b. Proof, Notice of Meeting, Special/Private Meeting of the Board of County Commissioners, Tuesday, June 13, 2006 at 8:00 am
- c. Proof, Notice of Public Hearing, Board of County Commissioners, Parking Ordinance, Tuesday, June 13, 2006 at 9:00 am
- d. Proof, Notice to Bidders, Bid No. 06-121
- e. Proof, Notice to Bidders, Bid No. 06-122
- f. Proof, Notice to Bidders, Bid No. 06-89
- g. Proof, Notice of Meeting, Special Meeting of the Board of County Commissioners, Fishkind Presentation, Wednesday, June 14, 2006 at 8:00 am

(06/27/06 - 9 - 9:51 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Rich requested that Consent Item 12 be placed on the Regular Agenda as Item A1; Maguire requested that Item 17 be heard to 1:30 p.m., as a time-certain item; Adams requested that Item 23 be pulled; Bosanko requested to add the Department of Community Affairs v. St. Johns County, Division of Administrative Hearings, Case No. 051787, lawsuit as Item A2; Bosanko also requested to add the Quadrille case, Marsh Landing at Sawgrass, as Item A3, as a motion to continue; and Adams requested that Item 15 be pulled because of an advertising glitch.

(06/27/06 - 9 - 9:53 a.m.)

APPROVAL OF THE REGULAR AGENDA

Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to approve the Regular Agenda as amended.

(9:54 a.m.) Bryant stated that the burn ban would expire tomorrow at midnight, but could be reinstated on an emergency basis if necessary.

(06/27/06 - 9 - 9:55 a.m.)

A1. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO APPROVE A PURCHASE ORDER FOR \$175,800 FOR RANDALL G. TEDDER CONSTRUCTION, INC., TO REPLACE THE EXISTING USINA BOAT RAMP, AND INSTALL A NEW DOCK PER THE ATTACHED MAY 29, 2006 PROPOSAL (*Previously Consent Item No. 12*)

Rich explained that this item was for a \$175,800 improvement to private property, and that he opposed the expenditure. He gave figures for the rental of the property at close to \$600,000 per year for 60 years: he could not support the project.

(9:58 a.m.) Bryant responded that the County had other similar leases, and it was not unusual to make improvements to leased property. Stevenson cited other cases of rental spaces and improvements to private property. She said she supported the project, and explained that the County had already entered into the lease.

(9:59 a.m.) **Motion by Stevenson, seconded by Bryant, carried 3/1 with Rich dissenting and Stern absent, to authorize the County Administrator, or his designee, to approve a purchase order for \$175,800 for Randall G. Tedder Construction, Inc., to replace the existing Usina Boat Ramp, and install a new dock per the attached May 29, 2006 proposal.**

(06/27/06 - 9 - 10:00 a.m.)

A2. DEPARTMENT OF COMMUNITY AFFAIRS V. ST. JOHNS COUNTY, DIVISION OF ADMINISTRATIVE HEARINGS, CASE NO. 05-1787 GM

Isabelle Lopez, Senior Assistant County Attorney, asked the Board for guidance regarding the issues previously discussed in the shade meeting, and suggested that the Board direct the County's legal counsel to continue negotiations regarding the possibility of settlement, and schedule a follow-up status meeting with the Board within 60 days. She also requested they direct County staff to accept the applicant's submittal of a parallel comprehensive plan amendment application for all, or a portion of, the property at issue in this litigation, provided that the regular comprehensive plan amendment application was completed and submitted on or before June 30, 2006. She said all filing fees should be the responsibility of the private applicant and should be processed as a privately sponsored regular comp plan amendment, and the application shall be subject to all substantive and procedural requirements of the law as a regular comprehensive plan amendment. She asked for consensus from the Board members.

(10:02 a.m.) Motion by Maguire, seconded by Rich, to accept the request as presented by Lopez: that the Board direct the County's legal counsel to continue negotiations regarding the possibility of settlement, and schedule a status follow-up meeting with the Board within 60 days. She also requested they direct County staff to accept the applicant's submittal of a parallel comprehensive plan amendment application for all or a portion of the property at issue in this litigation, provided that the regular comprehensive plan amendment application is completed and submitted on or before June 30, 2006. All filing fees should be the responsibility of the private applicant, and should be processed as a privately sponsored regular comp plan amendment, and the application would be subject to all otherwise substantive and procedural requirements of the law as a regular comprehensive plan amendment.

(10:03 a.m.) Ben Carter, 552 Ponte Vedra Blvd., Chairman of Ben Carter Properties, spoke regarding the Helow tract, stating it would be a high quality commercial development. He asked for the Board's support.

(10:04 a.m.) The motion carried 4/0, with Stern absent.

(06/27/06 - 10 - 10:04 a.m.)

A3. QUADRILLE CONTINUANCE FOR ISSUANCE OF A DEVELOPMENT PERMIT

Bosanko asked for a continuance, until the next meeting (July 25th), for the issuance of a development permit for the Quadrille project.

Motion by Stevenson, seconded by Maguire, carried 4/0 with Stern absent, to continue the item until July 25th.

(06/27/06 - 10 - 9:05 a.m.)

1. PRESENTATION ON THE FIRST COAST MPO'S COMMUTER SERVICES AND VANPOOL PROGRAM

Bill Hartman, Transportation Planning Manager, introduced Denise Bunnewith, Executive Director of the First Coast MPO, who gave the presentation; and Prentis Clayton, Commuter Services Coordinator, of the First Coast MPO Commuter Services and Vanpool Program. Bunnewith stated that rising prices for gas and parking, coupled with increasing traffic congestion, had made the commute to work an even more daunting challenge. She explained how the First Coast MPO helped employers make it easier for their employees to get to work, utilizing their services.

(10:13 a.m.) Maguire stated that little projects could make big differences and could grow into bigger projects. He cited the growth in the northern segment of the county as an example of the need for workforce transit.

(10:15 a.m.) Stevenson said it was an exciting project, and stated that peak hour transit put our roads over capacity. She said this was a good option to reduce congestion.

(06/27/06 - 11 - 10:17 a.m.)

2. 2006 ROADWAY AND ENHANCEMENT PROJECT PRIORITY LIST

Bill Hartman, Transportation Planning Manager, gave the presentation, and asked the Board to approve the Highway and Transportation Enhancement Project Priority list for transmittal. He said he had met individually with each member, reviewed the priority list and summarized the results of those meetings.

(10:19 a.m.) There was discussion by Board members with suggestions for their recommended priorities, which brought about several additional changes that Hartman included in a reprioritized list. Maguire said 9B should be the No. 1 priority, but because of timing the consensus that No. 1 and No. 2 were co-equal. No. 2 could be moved to a higher priority if they felt it would give stimulus for 9-B to move forward at a faster pace.

(10:28 a.m.) Hartman said they also needed to review the Enhancement Projects. Items 2, 7 and 8 would be moved to 1, 2 and 3, to be funded by the First Coast MPO, with the other projects to remain on the list in case future funding became available.

(10:29 a.m.) Maguire said there were safety versus cosmetic projects. Hartman said safety projects would be placed first, and listed them. Stevenson clarified, for the viewing public, which priorities had been determined: she reviewed their order.

(10:31 a.m.) Hartman suggested that the Rails to Trails project for St. Johns County was next in line for funding from the First Coast MPO, and should therefore be No. 1. He gave the remainder of the rankings.

(10:33 a.m.) **Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to approve the St. Johns County Highway and Transportation Enhancement Project Priority list for transmittal to the First Coast MPO and Florida Department of Transportation, as amended.**

(06/27/06 - 11 - 3:29 p.m.)

3. CONSIDER A MOTION TO APPROVE THE TRANSFER OF \$323,369 FROM COUNTY TRANSPORTATION TRUST FUND CAPITAL OUTLAY RESERVE [1111-1131-59927] AND APPROVE THE TRANSFER OF \$323,369 FROM BUILDING SERVICES CAPITAL OUTLAY RESERVE [1104-1190-59927] FOR ADDITIONAL COSTS ASSOCIATED WITH THE COMPLEX ENTRANCE AND LOOP ROAD PROJECT [5123]

Mike Rubin, Director of Construction Services, reviewed this item. Discussion followed on the type of landscaping to be used. (3:38 p.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to approve the transfer of \$323,369 from County Transportation Trust Fund Capital Outlay Reserve (1111-1131-59927) and approve the transfer of \$323,369 from Building Services Capital Outlay Reserve (1104-1190-59927) for additional costs associated with the complex entrance and loop road project (5123).**

(06/27/06 - 11 - 10:34 a.m.)

4. CONSIDER APPOINTMENTS TO THE LAND ACQUISITION AND MANAGEMENT PROGRAM (LAMP) BOARD

Melissa Lundquist, Administrative Coordinator, gave the presentation and reviewed the applicants. (10:35 a.m.) Stevenson said she supported all four applicants, who were well qualified.

(10:35 a.m.) **Motion by Rich, seconded by Maguire, carried 4/0 with Stern absent, to affirm the appointment of Richard Turnbull as the City of St. Augustine Beach Representative to the LAMP Board for a full four-year term, scheduled to expire June 27, 2010.**

(10:35 a.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to affirm the appointment of Michael Adams as the Town of Hastings Representative to the LAMP Board for a full four-year term, scheduled to expire June 27, 2010.**

(10: 36 a.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to appoint Charels A. Padera to the LAMP Board for a full four-year term, scheduled to expire June 27, 2010.**

(10:36 a.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to appoint Gilbert Leve to the LAMP Board for a full four-year term, scheduled to expire June 27, 2010.**

The meeting recessed at 10:37 a.m., and reconvened at 10:44 a.m., with the Board acting as the Community Redevelopment Agency.

(06/27/06 - 12 - 10:44 a.m.)

5. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF A SUBORDINATION AGREEMENT, AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE AGREEMENT ACTING AS THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO ALLOW SUBORDINATION OF THE MORTGAGE IN FAVOR OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

Tom Crawford, Director of Housing and Community Services, introduced Benjamin Coney, St. Johns County Housing and Community Services, who gave the presentation. Michael Hunt, Deputy County Attorney, stated that he had reviewed the item.

(10:46 a.m.) **Motion by Stevenson, seconded by Rich, carried 3/0 with Maguire and Stern absent, to adopt CRA Resolution No. 2006-3, accepting the terms of a Subordination Agreement, and authorizing the Chairman of the Board to execute the Agreement acting as the St. Johns County Community Redevelopment Agency to allow subordination of the mortgage in favor of the St. Johns County Community Redevelopment Agency.**

CRA RESOLUTION NO. 2006-3

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACTING AS THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY ACCEPTING THE TERMS OF A SUBORDINATION AGREEMENT AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE AGREEMENT TO ALLOW SUBORDINATION OF THE MORTGAGE IN FAVOR OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

(06/27/06 - 13 - 10:47 a.m.)

6. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF A SUBORDINATION AGREEMENT AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE AGREEMENT ACTING AS **ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY** TO ALLOW SUBORDINATION OF THE MORTGAGE IN FAVOR OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

Benjamin Coney, St. Johns County Housing and Community Services, stated this item was identical to the previous item, except that the builder was Brunson Custom Homes. Michael Hunt, Deputy County Attorney, stated that he had reviewed the item.

(10:48 a.m.) **Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to adopt CRA Resolution No. 2006-4, accepting the terms of a Subordination Agreement, and authorizing the Chairman of the Board to execute the Agreement acting as St. Johns County Community Redevelopment agency to allow subordination of the mortgage in favor of the St. Johns County Community Redevelopment Agency.**

CRA RESOLUTION NO. 2006-4

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACTING AS THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY ACCEPTING THE TERMS OF A SUBORDINATION AGREEMENT AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE AGREEMENT TO ALLOW SUBORDINATION OF THE MORTGAGE IN FAVOR OF ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

(10:48 a.m.) Rich commented on the name of the Afro American subdivision. Coney stated it was the legal name of the subdivision platted in that area. Rich stated he did not think the name was proper in this day and age. Bosanko said he would look into it.

(10:50 a.m.) The Board adjourned as the Community Redevelopment Agency and reconvened as the Board of County Commissioners.

(06/27/06 - 13 - 10:50 a.m.)

7. CONSIDER AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE TOLOMATO COMMUNITY DEVELOPMENT DISTRICT, PROVIDING FOR A WAIVER OF BOND WITH ALTERNATE FINANCIAL ASSURANCE FOR CONSTRUCTION OF IMPROVEMENTS REQUIRED BY THE NOCATEE DRI DEVELOPMENT ORDER

Teresa Bishop, Planning Director, gave the presentation and explained the special nature of the request by the developer. She said the code allowed the Board of County Commissioners to waive the bonding requirement, which was very similar to the CDD bonding mechanism, and there were sufficient funds to cover the road improvements through the CDD bonds. Bishop explained that this item had been reviewed by the County Attorneys office, as well as by special counsel. (10:53 a.m.) General discussion ensued regarding the alternatives and the pros and cons to the County and the developer.

(10:55 a.m.) Jean Mangu, Edwards & Cohen, 60 Spade Street, Jacksonville, said there was financial assurance in the requested alternative.

(10:58 a.m.) Stevenson said she was not comfortable with Section 5, and could not support it as it was stated, but would consider it if it came back before the Commission. There was general discussion with Mangu about the bonding methods being proposed, and what would transpire if the worst-case scenario were to happen. Stevenson said it appeared there would be ample coverage, but she cautioned the Commission that they did not want to be in the land business, but wanted to see performance.

(11:07 a.m.) Michael Hunt, Deputy County Attorney, said it was allowed in the Land Development Code, but was an exception to the general rule, and was allowed on a rare occasion. In terms of the bonding, he said, the County wanted to make sure the road was built and the County did not want to have to pay for the road. He said the County's objectives were different than those of the CDD; and that the document did have sufficient assurance and was marginally better than having bonding.

(11:11 a.m.) Bishop said Staff was not asking that the alternative be added to the Land Development Code and the Board could approve it on a project-by-project basis. Rich commented that he agreed with Stevenson's recommendation regarding item 5. He said he considered it a test case but any changes should come before the Board. Bishop said the code recognized that there were other alternatives, and said the request had been accepted under that understanding of the Code.

(11:22 a.m.) Motion by Maguire, seconded by Bryant, to adopt Resolution No. 2006-213, approving the Interlocal Agreement between St. Johns County and the Tolomato Community Development District, providing for a waiver of bond with alternate financial assurance for construction of improvements required by the Nocatee DRI Development Order, and authorizing the County Administrator to execute the Interlocal Agreement, with the provision that Section 5, reference to the County Administrator, be modified to bring any changes back to the Board, and with the appropriate language to be provided by the County Attorney's office and submitted to the Chairman for approval.

(11:24 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S., spoke against the special condition approval.

(11:27 a.m.) **The motion carried 4/0, with Stern absent.**

RESOLUTION NO. 2006-213

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TOLOMATO COMMUNITY DEVELOPMENT DISTRICT, WHICH PROVIDES FOR A WAIVER OF THE REQUIRED CONSTRUCTION BOND, AND IN ITS PLACE SUBSTITUTE ALTERNATE FINANCIAL ASSURANCE FOR CONSTRUCTION OF IMPROVEMENTS REQUIRED BY THE NOCATEE DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER

(06/27/06 - 15 - 11:27 a.m.)

8. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR CROSSWATER PARKWAY

Kathy Nielsen, Application Review Coordinator, gave the presentation. **Motion by Stevenson, seconded by Maguire, carried 4/0 with Stern absent, to adopt Resolution No. 2006-14, approving a final plat for Crosswater Parkway.**

RESOLUTION NO. 2006-214

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

(06/27/06 - 15 - 10:28 a.m.)

9. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR COASTAL RIDGE BOULEVARD - EASTERN SEGMENT

Kathy Nielsen, Application Review Coordinator, gave the presentation. **Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to adopt Resolution No. 2006-215, approving a final plat for Coastal Ridge Boulevard - Eastern Segment.**

RESOLUTION NO. 2006-215

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR COASTAL RIDGE BOULEVARD - EASTERN SEGMENT

(06/27/06 - 15 - 11:29 a.m.)

10. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR COASTAL RIDGE BOULEVARD - WESTERN SEGMENT

Kathy Nielsen, Application Review Coordinator, gave the presentation. **Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to adopt Resolution No. 2006-216, approving a final plat for Coastal Ridge Boulevard - Western Segment.**

RESOLUTION NO. 2006-216

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR COASTAL RIDGE BOULEVARD - WESTERN SEGMENT

(06/27/06 - 15 - 11:30 a.m.)

11. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR NOCATEE PARKWAY

Kathy Nielsen, Application Review Coordinator, gave the presentation. **Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to adopt Resolution No. 2006-217, approving a final plat for Nocatee Parkway.**

RESOLUTION NO. 2006-217

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

(06/27/06 - 16 - 11:30 a.m.)

12. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR PRESERVATION TRAIL

Kathy Nielsen, Application Review Coordinator, gave the presentation. **Motion by Rich, seconded by Maguire, carried 4/0 with Stern absent, to adopt Resolution No. 2006-218, approving a final plat for Preservation Trail.**

RESOLUTION NO. 2006-218

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

It was discovered that an error had been made in the numbering of the resolutions. The Clerk noted the corrected numbers, which are reflected above. (11:31 a.m.) **Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to correct the numbering of the resolutions just expressed by the Deputy Clerk.**

(06/27/06 - 16 - 11:30 a.m.)

13. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING ROADWAY DRAINAGE EASEMENT AGREEMENTS IN CONNECTION WITH THE NOCATEE PHASE I ROADWAY DEDICATIONS

Mary Ann Blount, Land Management Director, gave the presentation. **Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to adopt Resolution No. 2006-219, accepting Roadway Drainage Easement Agreements in connection with the Nocatee Phase I Roadway Dedication.**

RESOLUTION NO. 2006-219

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING ROADWAY DRAINAGE EASEMENT AGREEMENTS IN CONNECTION WITH NOCATEE PHASE I ROADWAY DEDICATIONS

(06/27/06 - 16 - 11:32 a.m.)

14. PUBLIC HEARING - REVISION OF THE COUNTY UTILITY ORDINANCE - AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING, SUPPLEMENTING AND REPLACING ORDINANCE 2001-25, THE ST. JOHNS COUNTY UTILITY ORDINANCE. THIS ORDINANCE REVISES NUMEROUS DEFINITIONS TO BE CONSISTENT WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AND THE ST. JOHNS COUNTY UTILITY DEPARTMENT MANUAL OF WATER AND WASTEWATER DESIGN STANDARDS AND SPECIFICATIONS, DEFINES THE TERM "DAMAGE CHARGE", "STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE", AND "TAPPING FEE", REVISES FEES FOR TAMPERING, STEALING, OR UNAUTHORIZED WATER OR WASTEWATER USE, MODIFIES SERVICE CHARGES AND WATER AND WASTEWATER BILLING ADJUSTMENTS,

CHANGES FEES FOR OFFENSES ENFORCEABLE BY CITATION AND CIVIL PENALTIES, ESTABLISHES PURPOSE AND POLICIES FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS, ELIMINATES EXCESS SURCHARGES FOR INDUSTRIAL STRENGTH WASTE CUSTOMERS, ESTABLISHES NEW METHODOLOGY FOR NOTIFYING CATEGORICAL USERS OF LOCAL LIMITS, REVISES WASTEWATER DISCHARGE PERMITS TO MEET ALL APPLICABLE PRETREATMENT STANDARDS AND LOCAL, STATE, AND FEDERAL LAW, REQUIRES NOTICE BY CATEGORICAL USERS OF ANY HAZARDOUS DISCHARGE, ADOPTS NATIONAL CATEGORICAL PRETREATMENT STANDARDS, PROVIDES FOR PROMISSORY NOTES TO BE RECORDED, ALLOWS USE OF CUSTOMER DEPOSITS TO RECOUP LOSSES IF OR WHEN A CUSTOMER CAUSES DAMAGE TO THE COUNTY SYSTEM, ALLOWS DEPOSITS TO BE BILLED IN UP TO FOUR MONTHLY INSTALLMENTS, AND SETS AN EFFECTIVE DATE

Proof of publication of the notice of public hearing on the Utilities Ordinance was received, having been published in *The St. Augustine Record* on June 14, 2006.

Frank Kenton, Utility Administrative Manager, reviewed the changes to the ordinance. He said the reason for the revision was that they had to re-evaluate their local limits at the Anastasia Island Wastewater Treatment Facility. He reviewed the various changes to the ordinance and why they had been included.

There was discussion regarding the timing of penalties for tampering and stealing, and the necessity to readvertise and hold another public hearing if changes were made to the proposed ordinance.

(11:43 a.m.) **Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to enact Ordinance No. 2006-73, which amends, supplements, and revises County Ordinance 2001-25, also known as the St. Johns County Utility Ordinance.**

ORDINANCE NO. 2006-73

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING, SUPPLEMENTING, AND REPLACING ST. JOHNS COUNTY ORDINANCE 2001-25, THE ST. JOHNS COUNTY UTILITY ORDINANCE. THIS ORDINANCE REVISES NUMEROUS DEFINITIONS TO BE CONSISTENT WITH THE ST. JOHNS COUNTY, FLORIDA, LAND DEVELOPMENT CODE AND THE ST. JOHNS COUNTY UTILITY DEPARTMENT MANUAL OF WATER AND WASTEWATER DESIGN STANDARDS AND SPECIFICATIONS, DEFINES THE TERM "DAMAGE CHARGE," "STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE", AND "TAPPING FEE," REVISES FEES FOR TAMPERING, STEALING, OR UNAUTHORIZED WATER OR WASTEWATER USE, MODIFIES SERVICE CHARGES, MODIFIES WATER AND WASTEWATER BILLING ADJUSTMENTS, CHANGES FEES FOR OFFENSES ENFORCEABLE BY CITATION AND CIVIL PENALTIES, ESTABLISHES PURPOSE AND POLICIES FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS, ELIMINATES EXCESS SURCHARGES FOR INDUSTRIAL STRENGTH WASTE CUSTOMERS, ESTABLISHES NEW METHODOLOGY FOR

NOTIFYING CATEGORICAL USERS OF LOCAL LIMITS, REVISES WASTEWATER DISCHARGE PERMITS TO MEET ALL APPLICABLE PRETREATMENT STANDARDS AND LOCAL, STATE, AND FEDERAL LAW, REQUIRES NOTICE BY CATEGORICAL USERS OF ANY HAZARDOUS DISCHARGE, ADOPTS NATIONAL CATEGORICAL PRETREATMENT STANDARDS, PROVIDES FOR PROMISARY NOTES TO BE RECORDED, ALLOWS USE OF CUSTOMER DEPOSITS TO RECOUP LOSSES IF OR WHEN A CUSTOMER CAUSES DAMAGE TO THE COUNTY SYSTEM, ALLOWS DEPOSITS TO BE BILLED IN UP TO FOUR MONTHLY INSTALLMENTS, AND SETS AN EFFECTIVE DATE

15. PUBLIC HEARING - ORDINANCE AMENDING AND ADDING TO SECTIONS 3.07.14 AND 3.08.10 OF THE LDC

This item was pulled from the agenda.

(06/27/06 - 18 - 11:44 a.m.)

16. PUBLIC HEARING - NZVAR 06-08, FLAGLER BLVD. #1 - THIS IS A NON-ZONING VARIANCE REQUEST TO SECTION 6.04.07.A.2 OF THE LAND DEVELOPMENT CODE. MR. DAVINO (VARIANCE APPLICANT) APPLIED FOR A CLEARANCE SHEET AND BUILDING PERMIT FOR A SINGLE HOUSE ON THE TWO SUBJECT LOTS. ON 7/1/05 THE SITE PLAN WAS APPROVED AND ON 11/30/05 A BUILDING PERMIT WAS ISSUED, ALL SHOWING AN ADDRESS OF 1261 FLAGLER BLVD. THESE ISSUANCES WERE IN ERROR. THERE IS AN EXISTING HOME ABOUT 1200 FT. DOWN UNOPENED FLAGLER BLVD. AND CYPRESS DRIVE, WHICH HAS BEEN USING THIS UNOPENED ROW AS ACCESS SINCE 1951. GRANDFATHERED DRIVEWAYS SUCH AS THESE ARE NOT CONSIDERED TO BE PROVIDING LEGAL ACCESS TO OTHER LOTS ALONG THAT ROW, AND NEW DEVELOPMENT IS SUBJECT TO THE CURRENT CODE

Proof of publication of the notice of public hearing on NZVAR 06-08, Flagler Blvd., was received, having been published in *The St. Augustine Record* on June 12, 2006.

(11:45 a.m.) Patrick McCormack, Assistant County Attorney, gave the presentation. He stated a building permit was issued in error. He said Staff did not recommend approval of the variance because it was not in compliance with the Code. However, he noted, if the Board decided to grant it, there were safeguards that were set out in the agenda item that would be recommend as conditions if the item were to be approved.

(11:46 a.m.) Don Davino, 6300 Old Dixie Drive, applicant, said he was a small contractor and worked with infill property. He said he had secured all the necessary permits and had cleared the property, footers had been cut, and supplies had been purchased. He said everyone had signed off on it except Road and Bridge. He said he had spent a lot of money on it based on approval from the County. He said it would cost him about \$60,000 if the variance were not approved.

(11:49 a.m.) Stevenson said they had discussed this with Staff and understood how the misunderstanding had happened. She said her concern was that the mistake was not intentional and this would apply only to the one lot and that ordinarily the road would be required to be improved to certain standards. Davino said the road had been in use

for years and he understood it would be only for the one lot in question. He reviewed the recommendations from Road and Bridge.

(11:53 a.m.) Rich asked how he would raze the lot. Davino said he would use stem walls, up to 18 or 19 inches. Rich said he had received a letter from Lisa Tillman regarding the issue and objecting to the variance.

(11:55 a.m.) John Burnham, Development Review Engineer, reviewed the recommendations regarding restrictions, with the maintenance agreement being the key item. Rich said it was his intent to put the restrictions in place prior to approving the project. Burnham read the restrictions into the record. Davino said he had not heard of the restrictions before this time. Rich said an affidavit would have to be filed in reference to a deed restriction for that property stating that the County was not responsible for the maintenance of the roadway leading to the property. He said that a finding of fact indicating that a special circumstance of the one property be included. Davino said those conditions were acceptable to him.

(11:56 a.m.) Motion by Maguire, seconded by Rich, to approve NZVAR 2006-08, based upon the evidence provided for all of the five findings of fact, with the inclusion of the restrictions as previously noted.

(11:59 a.m.) McCormack said a letter to Lisa Tillman with Development Services, from Dale Mitchell was the letter in opposition; it was read into the record.

(12:00 p.m.) Maguire asked that Davino swear under oath that those accusations were true. Davino said he could not swear under oath to unfounded accusations. He said he would swear that he started construction three months after they granted the building permit and the accusations were false. McCormack said they could not require he be put under oath. Maguire said he would feel more comfortable if he were willing to swear. Davino said he would affirm to that. Rich said he would not give his consensus to be sworn: Bryant concurred. Stevenson said she was not sure that it would make a difference legally. McCormack commented that the application was done in good faith and Staff had not brought anything to his attention that indicated otherwise.

(12:06 p.m.) The motion carried 4/0, with Stern absent.

(12:06 p.m.) The meeting was recessed for lunch and reconvened at 1:30 p.m. with four commissioners present: Stern was absent. McCormack, Adams and Deputy Clerk Lenora Newsome were also present.

(06/27/06 - 19 - 1:38 p.m.)

17. PUBLIC HEARING - HARWOOD RESIDENCE NON-ZONING VARIANCE, NZVAR 2005-007 - THE APPLICANT SEEKS A NON-ZONING VARIANCE TO ARTICLE IV, SECTION 4.01.02.E, OF THE LAND DEVELOPMENT CODE. THE APPLICANT IS REQUESTING TO REDUCE THE 25-FOOT UNDISTURBED UPLAND BUFFER TO A 10 FOOT UPLAND BUFFER. THE APPLICANT IS THEN PROPOSING TO BUILD THE STRUCTURE OVER THE MINIMUM 10 FOOT UPLAND BUFFER WITH SUPPORT POSTS BEING PLACED IN THE UPLAND BUFFER AND THE WETLAND SO A PORTION OF THE SECOND AND THIRD STORIES OF THE HOUSE WILL BE OVER THE 10 FOOT UPLAND BUFFER AND THE DECK WILL BE OVER THE WETLAND

Proof of publication of the notice of public hearing on NZVAR 05-07, Harwood Residence, was received, having been published in *The St. Augustine Record* on June 12, 2006.

Jan Brewer, Environmental Manager, reviewed the item, stating that they received nine letters in opposition, Exhibit A. She stated that the Environmental Planning Section was recommending denial of this request because there was not practical difficulties in carrying out the strict letter of the regulations and that the applicant knew the condition of the lot when purchased in 2004. She stated that the effect was not in harmony with the general intent of the code. Stevenson asked about the septic permit. Brewer responded. Bryant disclosed exparte communication with the owners and Karen Taylor, discussing what they reviewed on the drawing of the footprint. Rich disclosed exparte communication with Karen Taylor, discussing what they reviewed on the drawing of the footprint. Stevenson disclosed exparte communication with Karen Taylor and the Harwoods, discussing what they wanted to build in this location. She had also been contacted by the residents in the area about their concerns for the elevation and the retention of water. Maguire disclosed exparte communication with Karen Taylor, the owners, and several homeowners adjacent to and around the property.

(1:46 p.m.) Karen Taylor, 3070 Harbor Drive, gave a brief presentation, stating that they had several options; to fill the wetlands, create the buffer required by the County, and change from single-family lots to multifamily big projects. Stevenson asked about the applicant buying the lot next to it to accommodate them. Taylor responded.

(2:06 p.m.) Robyn Greene, 157 Indian Cove Lane, Ponte Vedra Beach, spoke on septic tanks and setbacks, displaying pictures, Exhibit B. McCormack stated that this item was on a non-zoning variance, not a zoning variance and explained. (2:16 p.m.) Stevenson left the meeting.

(2:17 p.m.) Nels Frostenson, 376 N. Roscoe Blvd., stated he opposed the request for the variance, voicing his concerns on hazard, septic problems, and questions on storm surge water conveyances. (2:17 p.m.) Stevenson returned to the meeting. Frostenson spoke on septic tanks, displaying photos, Exhibit B.

(2:22 p.m.) Connie Rogers Frostenson, 376 N. Roscoe Blvd., expressed opposition to the variance and read a letter from Patricia A. Brown, who also opposed the variance.

(2:24 p.m.) William Bender, 377 N. Roscoe Blvd., spoke in opposition of the variance, displaying pictures, Exhibit C. (2:29 p.m.) Dan Bosanko, County Attorney, entered the meeting.

(2:30 p.m.) Brenda Brooks, 411 N. Roscoe Blvd., spoke in opposition to the variance, as an environmentalist.

(2:31 p.m.) David J. Cook, 415 N. Roscoe Blvd., spoke in opposition to the variance.

(2:33 p.m.) Taylor responded to the neighbors' concerns. She stated that the Harwoods were not out to destroy the environment or the area. Taylor asked to continue this item for another thirty days. Maguire stated that he believed that the lot was buildable, would like to see the septic issue resolved, and encourage them to talk it out with the neighbors. (2:39 p.m.) *Motion by Maguire to continue this item for thirty days.* Bosanko recommended continuing the item to the meeting after next, so they would not have to re-advertise. *Maguire changed the motion from "thirty days" to "the meeting of July 25th, to resolve the undisturbed vegetation issue," seconded by Rich.* Rich voiced his concern about people having to come back again on this issue. (2:41 p.m.) McCormack stated that if this were continued the neighbors would not have to come back, but it would be in their best interest to come back to represent their point of view. He stated that the

Board could grant what was being presented or a lesser amount. Discussion followed on people signing off on the corrections that were suggested, and the Board considering that as testimony. Stevenson spoke on the septic system causing problems. Taylor spoke on the six non-zoning findings of fact, and stated that there was not a reasonable use without some impact. Discussion followed on the motion. *Maguire withdrew his motion.* (2:54 p.m.) **Motion by Maguire, seconded by Rich, to deny with findings of fact two and six, and a waiver of the 12-month waiting restriction.** Rich asked that the denial also include that there were no practical difficulties in carrying out the strict letter of the regulation, and that the applicant knew the condition of the lot when purchased in 2004, and the lot could be developed with the required upland buffer and no upland buffer vegetation would need removal; as well as Item B on the recommendations. Maguire spoke on reasonably being able to use the property. (2:57 p.m.) **The motion carried 4/0 with Stern absent.**

(06/27/06 - 21 - 2:57 p.m.)

18. PUBLIC HEARING - REZ 2005-65, HUTCHINSON BUSINESS PARK REZONING - THIS IS A REQUEST TO REZONE .75 ACRES FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL INTENSIVE (CI) FOR AUTOMOTIVE REPAIR. THE PROPERTY IS CURRENTLY OCCUPIED BY A BAIL BONDS OFFICE. THE PROPOSED ZONING CHANGE WOULD ALLOW FOR THE CONTINUATION OF EXISTING USE. THE PARCEL IS LOCATED ON THE CORNER OF LEWIS SPEEDWAY AND AVENUE D, AND IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS ARE OPEN RURAL (OR), PUBLIC SERVICE (PS), COMMERCIAL INTENSIVE (CI), AND RESIDENTIAL SINGLE FAMILY (RS-3). THIS ITEM WAS CONTINUED FROM THE JUNE 13 BOARD OF COUNTY COMMISSIONERS MEETING IN ORDER TO PLACE DEED RESTRICTIONS ON THE PROPERTY. AT THE REQUEST OF THE BOARD OF COUNTY COMMISSIONERS, DEED RESTRICTIONS WILL BE PLACED ON THE PROPERTY IN ORDER TO LIMIT COMMERCIAL USES. A COPY OF THE DEED RESTRICTIONS WILL BE PROVIDED AT THE JUNE 27 MEETING

Proof of publication of the notice of public hearing on REZ 2006-65, Hutchinson Rezoning, was received, having been published in *The St. Augustine Record* on May 29, 2006.

Patrick McCormack, Assistant County Attorney, mentioned that he thought that the applicant was going to request a continuance, and that there was no objection from the County Attorney's Office.

(2:58 p.m.) Alexander Christine, P.A., representing Mr. Hutchinson, asked that this item be continued to July 25th. Rich spoke on non-conforming zoning, having CI next to Residential, and stated that he was recusing himself because his son worked with Christine. (3:00 p.m.) Maguire left the meeting. Christine stated that he wanted to know the concerns so they could alleviate them. Discussion followed on zoning in the area. (3:02 p.m.) Maguire returned to the meeting. Adjacent Property Owner Response Forms were turned in for the record, Exhibit A. (3:06 p.m.) **Motion by Bryant, seconded by Stevenson, carried 3/0 with Stern absent and Rich recused, to continue this item to July 25th.**

The meeting recessed at 3:07 p.m. and reconvened at 3:14 p.m.

(06/27/06 - 22 - 3:14 p.m.)

19. PUBLIC HEARING - PRD 2006-01, SWEET MEADOW FARMS PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 267.65 ACRES, LOCATED SOUTH OF COUNTY ROAD 208, SOUTH OF JOE ASHTON RD., FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF FIFTY-THREE (53) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 90/10% RULE FOR DENSITY: THE DEVELOPMENT AREA EQUALS 26.76 ACRES AND THE RESERVE AREA EQUALS 240.88 ACRES. LOTS WILL RANGE IN SIZE FROM A MINIMUM OF 2 ACRES UP TO 12 ACRES AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE A MINIMUM OF 8,000 SQ FT 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 MAY 18, 2006 MEETING, BY A VOTE OF 6 TO 0

Proof of publication of the notice of public hearing on PRD 2006-01, Honey Branch Creek, was received, having been published in *The St. Augustine Record* on June 12, 2006.

Michael Blackford, Planner II, reviewed this item, stating that they had not received any adjacent property owner notifications, and that the Planning and Zoning Agency recommended approval at their May 18th meeting, by a vote of 6/0.

(3:17 p.m.) Gary Davenport, 5337 Soundview Avenue, representing the owner and developer of the project, reviewed this item. **Motion by Rich seconded by Maguire, carried 4/0 with Stern absent, to enact Ordinance No. 2006-74, known as PRD 2006-01, Sweet Meadow Farms PRD, adopting findings of fact 1 through 5 to support the motion, including waivers to the LDC, Section 5.04.03.C.**

ORDINANCE NO. 2006-74

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

(06/27/06 - 22 - 3:19 p.m.)

20. PUBLIC HEARING - REZ 2005-02, RUGGERI RESIDENTIAL REZONING - THIS IS A REQUEST TO REZONE 5.0 ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE-FAMILY TWO (RS-2) FOR EIGHT RESIDENTIAL LOTS. RESIDENTIAL-C LAND USE ALLOWS FOUR UNITS PER NET ACRE, OR A MAXIMUM OF 20 LOTS, ON 5 ACRES. THE PARCEL IS LOCATED ON THE WEST SIDE OF ROLLING HILLS DRIVE, APPROXIMATELY ½ MILE SOUTH OF SR 207 AND IS IN RESIDENTIAL-C (C) LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. ADJACENT ZONINGS ARE PLANNED UNIT DEVELOPMENT (PUD) AND OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR SEPTEMBER 15TH MEETING, BY A VOTE OF 7/0

Proof of publication of the notice of public hearing on REZ 2005-02, Ruggeri, was received, having been published in *The St. Augustine Record* on June 12, 2006.

Michael Blackford, Planner II reviewed this item, stating that they received two letters in support of the request and no letters in opposition. The Planning and Zoning Agency recommended approval of this request at their September 15th, 2005 meeting, by a vote of 7/0.

(3:21 p.m.) Karen Taylor, 3070 Harbor Drive, reviewed this item. (3:21 p.m.) **Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to enact Ordinance No. 2006-75, known as REZ 2005-02, Ruggeri Residential, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2006-75

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 RESIDENTIAL SINGLE-FAMILY TWO (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(06/27/06 - 23 - 3:22 p.m.)

21. PUBLIC HEARING - REZ 2006-02, LANDSCAPER PROJECT REZONING - THIS IS A REQUEST TO REZONE 2.4 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) FOR 5,000 SQ. FT. OF LANDSCAPING/WHOLESALE NURSERY OPERATIONS. THE PROPERTY IS CURRENTLY VACANT AND UNIMPROVED. THE PARCEL IS LOCATED ON THE NORTH SIDE OF STATE ROAD 207, NORTH OF THE HILLTOP ROAD INTERSECTION AND IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES (REFER TO ATTACHMENTS). ADJACENT ZONINGS ARE OPEN RURAL (OR), COMMERCIAL INTENSIVE (CI), INDUSTRIAL WAREHOUSING (IW) AND PLANNED UNIT DEVELOPMENT. THE PLANNING AND ZONING AGENCY CONSIDERED THIS APPLICATION AT THE MAY 4, 2006 MEETING AND ISSUED A UNANIMOUS RECOMMENDATION OF APPROVAL BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on REZ 2006-02, Landscaper Project, was received, having been published in *The St. Augustine Record* on June 12, 2006.

Lindsay Haga, AICP, Chief Planner, reviewed this item.

(3:23 p.m.) Lindsay Varner, 624 W. 16th Street, introduced himself. (3:23 p.m.) **Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to enact Ordinance No. 2006-76, known as REZ 2006-02, Landscaper Project, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2006-76

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO

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

(06/27/06 - 24 - 3:24 p.m.)

22. PUBLIC HEARING - CDD AMENDMENT - TURNBULL CREEK COMMUNITY DEVELOPMENT DISTRICT PETITION - THE EXISTING TURNBULL CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD) WAS APPROVED IN 2004 INCORPORATING THE PALM LAKES PUD. THE EXISTING CDD COVERS APPROXIMATELY 389 ACRES OF LAND LOCATED SOUTH OF S.R. 16 AND EAST OF PACETTI ROAD (C.R. 13A) WITH ACCESS TO BE PROVIDED VIA PACETTI ROAD. THIS AMENDMENT PROPOSES TO INCORPORATE THE RESIDENTIAL COMPONENTS OF THE SUNSHINE 13 AND SUNSHINE 16 PUDS, LOCATED ADJACENT TO THE EXISTING CDD BOUNDARY. THE AMENDED CDD BOUNDARY WOULD BE COTERMINOUS WITH THE BOUNDARIES OF PALM LAKES, SUNSHINE 16 AND SUNSHINE 13, WITH THE EXCEPTION OF THE COMMERCIAL PARCELS IN THE NORTHWEST CORNERS OF PALM LAKES AND SUNSHINE 16 PUDS. THE EXISTING PUD PROJECT HAS BEEN APPROVED AND PLANNED FOR UP TO 740 SINGLE-FAMILY RESIDENTIAL UNITS, AND UP TO 145,000 SQUARE FEET OF OFFICE/COMMERCIAL USES. THE TOTAL AMENDMENT AREA BEING ADDED TO THE EXISTING CDD EQUALS AN ADDITIONAL 109.79 ACRES. FURTHER, THE CDD AMENDMENT WOULD INCORPORATE SIXTY (60) DWELLING UNITS FROM THE SUNSHINE 16 PUD AND 159 SINGLE-FAMILY DWELLING UNITS FROM THE SUNSHINE 13 PUD

Proof of publication of the notice of public hearing on an amendment to Turnbull Creek CDD was received, having been published in *The St. Augustine Record* on June 3, 10, 17 and 24, 2006.

Lindsay Haga, AICP, Chief Planner, reviewed this item.

(3:26 p.m.) Brian Crumbaker, 123 S. Calhoun Street, Tallahassee, provided proofs of publication and affidavits to the Clerk, Exhibit A. (3:27 p.m.) **Motion by Maguire, seconded by Stevenson, carried 3/1 with Stern absent and Rich opposed, to enact Ordinance No. 2006-77, approving the petition for Turnbull Creek Community Development District Amendment, adopting findings of fact 1 through 3 to support the motion.**

ORDINANCE NO. 2006-77

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, EXPANDING THE TURNBULL
CREEK COMMUNITY DEVELOPMENT DISTRICT
PURSUANT TO CHAPTER 190, FLORIDA STATUTES
(2005); DESCRIBING THE EXTERNAL BOUNDARIES OF
THE DISTRICT EXPANSION AREA; PROVIDING A
SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE

23. CONSIDER A MOTION TO ADOPT RESOLUTIONS APPROVING AN EXTRAORDINARY RATE ADJUSTMENT FOR THE 3RD QUARTER OF 2005, AS PERMITTED UNDER SECTION 9.3 OF THE RESIDENTIAL SOLID WASTE FRANCHISE CONTRACTS WITH ADVANCED DISPOSAL AND SEABOARD WASTE SYSTEMS

This item was pulled from the agenda.

(06/27/06 - 25 - 3:39 p.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

Rich spoke on meeting with Comcast concerning providing service to residents on the outer areas of CR 207, so they could see the BCC meetings.

(3:40 p.m.)

Commissioner Stevenson:

Stevenson mentioned that she attended the Fort Mose tenth anniversary events and she recognized the attorney's achievements in the County Attorney's Office. She also mentioned that Bob Peters was in the paper for volunteering.

(3:43 p.m.)

Commissioner Maguire:

Maguire spoke on Fort Mose, and addressed the Fishkind report regarding commercial and industrial impact fees. He asked the Board to consent to direct Staff to review only the commercial and industrial impact fees, and to bring a recommendation back to the Board. Bosanko cautioned the Board that there was not a problem with reviewing the fees, but that they should look at it in a larger context. He stated that the Board could not pick out just one type of use; they had to look at how it affected the others. Discussion followed on the Fishkind report. Maguire stated that he didn't believe they were exempting anyone, and that the Fishkind report incorrectly targeted businesses in a way that they should not have been targeted.

(3:50 p.m.)

Commissioner Bryant:

Bryant stated that the Sheriff needed a signature from the Chairman of the Board for a blanket bond. *It was the consensus of the Board for the chairman to sign the blanket bond.*

(3:51 p.m.) Bob Peters, Human Resources Director, stated that he and Bosanko made contacts on forming an application review committee and the response was not very good. He stated that the two judges felt that there was a conflict, so they turned them down because they were both still classified as senior judges here. Bosanko stated that Hamilton UpChurch would be willing to serve if his recommendations would be exclusively considered by the BCC. Bosanko stated he did not know if the Board could promise that. Bryant mentioned that he would like to move forward and let Peters handle it. Rich stated that the selection board was the way to go and mentioned that he had made the request to this Board to ask surrounding counties to have one of their attorneys sit on the committee. He recommended finding out who the applicants were. Bryant stated that his opinion was that he didn't want an outsider telling him who his employee would be and that he would like to be able to be one of the people choosing. Maguire stated that he supported Upchurch helping out, but he would like to look through each application himself. Stevenson asked Peters what he would do. Peters responded that they had plenty of very qualified people in the county to pick the applicants and that he would like somebody like Bosanko looking at the qualifications, as far as the legal aspect of it, to make sure they were on the right track. Stevenson stated that she would like the Board to honor Bosanko staying out of it, if he wanted to. Rich asked if the Board was the selection board. Peters replied that was what it looked like to him. *It was the consensus to let Human Resources handle it.*

(06/27/06 - 26 - 4:03 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams stated that he had a letter from the administrator of Flagler County regarding the possible annexation of Flagler Estates. *It was the consensus of Board not to support the annexation.*

Adams spoke on the Recreation Department running a summer camp program at 15 different school locations around the county.

(06/27/06 - 26 - 4:06 p.m.)
CLERK OF COURT'S REPORT

No report.

(06/27/06 - 26 - 4:06 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(4:06 p.m.) Motion by Bryant, seconded by Maguire, carried 4/0 with Stern absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 4:06 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 385538 through 385561, totaling \$39,694.79 (06/08/06)
2. St. Johns County Board of County Commissioners Check Register, Check No. 385562, totaling \$675.00 (06/08/06)
3. St. Johns County Board of County Commissioners Check Register, Check No. 385563 through 385933, totaling \$4,232,149.12
4. St. Johns County Board of County Commissioners Check Register, Check No. 385934 through 385938, totaling \$51,898.31 (06/14/06)

CORRESPONDENCE:

1. Letter dated June 16, 2006 to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing St. Johns County Ordinance Nos. 2006-68 through 2006-72.
2. Letter dated June 22, 2006 to Misty Pearson, Bureau of Administrative Code, copies of corrections on page 794 and 812 of Ordinance No. 2006-63.

Approved _____ July 25 _____, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Wannack King
Deputy Clerk