

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 8, 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
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 Court
Michael Hunt, Deputy Attorney

(08/08/06 - 1 - 9:00 a.m.)
CALL TO ORDER

Bryant called the meeting to order.

(08/08/06 - 1 - 9:00 a.m.)
ROLL CALL

Bryant stated that there were four commissioners present, with Stevenson coming in late.

(08/08/06 - 1 - 9:02 a.m.)
Bryant gave the invocation and led the Pledge of Allegiance.

(08/08/06 - 1 - 9:06 a.m.)
PUBLIC COMMENT

Daren Anderson, 1784 Ferncreek Drive, reviewed the petition from the Stonehurst residents regarding the Ferncreek Road connection.

(9:13 a.m.) Dimpreet Smith, 1803 Ferncreek Drive, gave a timeline to the events leading up to today's meeting.

(9:16 a.m.) Bea Cowart, 1804 Ferncreek Drive, spoke in opposition to the Ferncreek Road connection.

(9:18 a.m.) Brock Johnson, 1759 Ferncreek Drive, spoke in opposition to the Ferncreek Road connection.

(9:20 a.m.) Shantel Sellers, 1792 Ferncreek Road, spoke in opposition to the Ferncreek Road connection, and on being concerned about security.

(9:22 a.m.) Chris Clark, 2116 South Cranbrook Avenue, spoke in opposition to the Ferncreek Road connection. Stern stated that she would like to discuss this issue in the

future. Bryant asked Adams to set up a workshop for staff to brief them on their support for this and the reasoning for it. Rich stated that he was not in support of changing planned unit developments.

(08/08/06 - 2 - 9:28 a.m.)

DELETIONS TO THE CONSENT AGENDA

There were no deletions to the Consent Agenda.

(08/08/06 - 2 - 9:28 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Stern, seconded by Maguire, carried 4/0 with Stevenson absent, to approve the Consent Agenda, as submitted.

1. Approval of the Cash Requirement Report
2. Minutes:
07/11/06 - BCC Regular Meeting
07/18/06 - BCC Special Meeting
3. Sheriff's Office Bonds:
Approve: Christopher Collins

Cancel: Sharon Evans James Lynch Lynn Vaccaro
William Ouzts
4. Motion to adopt **Resolution No. 2006-257**, naming a private driving surface Sweetgrass Trail

RESOLUTION NO. 2006-257

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING A PRIVATE DRIVING SURFACE SWEETGRASS TRAIL

5. Motion to adopt **Resolution No. 2006-258**, approving the terms, conditions, and requirements of Amendment #8 to the Community Based Care contract #DJ993 that St. Johns County, Florida, has with the State of Florida; and authorizing the Chairman of the Board of County Commissioners of St. Johns County to execute Contract Amendment #8 on behalf of the County

RESOLUTION NO. 2006-258

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF CONTRACT AMENDMENT NUMBER 8, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE EIGHTH AMENDMENT TO THE CONTRACT DJ993 BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES

6. Motion to approve the transfer from Elkton Drainage Fund Reserve (1235-59920) \$1,500 to Elkton Drainage Fund Other Maintenance (1235-54603) to pay for the additional maintenance to the Elkton Drainage Canal
7. Motion to adopt **Resolution No. 2006-259**, recognizing unanticipated revenue in the amount of \$1,465.38, and increasing the General Fund Insurance Proceeds (0001-36402), and increasing the expenditure budget of Development Services Vehicle Maintenance (0087-54602) in the same amount

RESOLUTION NO. 2006-259

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 DEVELOPMENT SERVICES DEPARTMENT

8. Motion to approve a transfer of \$55,000 from 1190-59927, Building Services Reserves, to 1187-56200-8927-56400, Equipment, to facilitate completion of the installation of the emergency backup generator for the new Growth Management Center
9. Motion to adopt **Resolution No. 2006-260**, authorizing the County Administrator to execute the JEA Certificate of Construction Completion and the Bill of Sale for the Water/Wastewater System at Davis Park

RESOLUTION NO. 2006-260

A RESOLUTION CERTIFYING CONSTRUCTION COMPLETION AND AUTHORIZING THE CONVEYANCE OF CERTAIN WATER AND WASTEWATER TRANSMISSION LINES AND ASSOCIATED EQUIPMENT ALONG COUNTY ROAD 210 THAT SERVICES DAVIS PARK AT 2455 PALM VALLEY ROAD TO THE JACKSONVILLE ELECTRIC AUTHORITY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS

10. Motion to approve transfer of \$263,590 from the County Transportation Trust Fund Reserve [1111-1131-59920] to the Fleet Fuel Division Cost of Fuel [1111-1127-55218] for the purchase of unleaded and diesel fuel
11. Motion to approve the transfer of \$497,000 from Utility Reserves (4426-59920) to fund remaining FY 06 items in the following accounts: \$45,000 for Water Treatment Contractual Services [4411-53120], \$147,000 for Water Treatment Utilities [4411-54300], \$65,000 for Water Treatment Operating Supplies [4411-55200], \$3,000 for Lab Operating Supplies [4414-55200], \$167,000 for Sewage/Treatment Contractual Services [4415-53120] and \$70,000 for Sewage/Treatment Operating Supplies [4415-55200]
12. Motion to adopt **Resolution No. 2006-261**, approving the terms and conditions of a Settlement Agreement between St. Johns County, Florida, and the Florida Department of Transportation (FDOT), in order to permit the reimbursement to the County, for work performed under a Joint Participation Agreement to add bike lanes and resurface a section of CR A1A; and authorizing the County

Administrator, or designee, to execute the Settlement Agreement on behalf of the County

RESOLUTION NO. 2006-261

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, AND CONDITIONS OF A SETTLEMENT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), IN ORDER TO PERMIT THE REIMBURSEMENT TO THE COUNTY, FOR WORK PERFORMED UNDER A JOINT PARTICIPATION AGREEMENT TO ADD BIKE LANES AND RESURFACE A SECTION OF CR A1A, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE SETTLEMENT AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

13. Motion to approve transfer of \$ 330,000 from Road Impact Fee Zone A Capital Outlay Reserve (1186-59927) to Road Impact Fee Zone A Improvements Other Than Buildings (1185-56301) for the construction of Greenbriar Road sidewalks
14. Motion to authorize the County Administrator, or his designee, to award initial one year contracts, with three annual renewal options, to all six responding bidders: E.J. Breneman, Duval Asphalt, Florida Highway Products, APAC-Southeast, North Florida Emulsions, and Atlantic Coast Asphalt for Bid #06-123, Annual Asphalt Services
15. Motion to authorize the County Administrator, or his designee, to award a contract to the lowest bidder, MGA Construction, Inc., for Bid No. 06-89, US Highway 1 Water Main Expansion, in the amount of \$312,300
16. Motion to adopt **Resolution No. 2006-262**, approving the terms of, and authorizing the County Administrator to execute, a Lease Agreement from Matthew L. Ortagus to St. Johns County, for space needed for the Sheriff's Department for parking and storage of vehicles and equipment during the renovations to the county jail

RESOLUTION NO. 2006-262

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT FROM MATTHEW L. ORTAGUS TO ST. JOHNS COUNTY FOR SPACE NEEDED FOR THE SHERIFF'S DEPARTMENT FOR PARKING AND STORAGE OF VEHICLES AND EQUIPMENT DURING THE RENOVATIONS TO THE COUNTY JAIL

17. Motion to adopt **Resolution No. 2006-263**, accepting Grants of Drainage Easement to allow access under Railroad Avenue to install drainage culverts as part of the West King Street Improvement Project

RESOLUTION NO. 2006-263

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING GRANTS OF DRAINAGE EASEMENT TO ALLOW ACCESS UNDER RAILROAD AVENUE TO INSTALL DRAINAGE CULVERTS AS PART OF THE WEST KING STREET IMPROVEMENT PROJECT

18. Motion to adopt **Resolution No. 2006-264**, accepting, and authorizing the County Administrator to execute, a Letter of Consent from the Department of Environmental Protection to enter property to do general maintenance cleanup on properties located in the Hastings area

RESOLUTION NO. 2006-264

A RESOLUTION ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LETTER OF CONSENT FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ENTER PROPERTY TO DO A GENERAL MAINTENANCE CLEANUP ON PROPERTIES LOCATED IN THE HASTINGS AREA

19. Motion to adopt **Resolution No. 2006-265**, authorizing Fire Services to purchase property from the St. Johns County Utility Department Enterprise Fund, from the Fire/EMS Impact Fees Fund, in the amount of \$65,400, to allow Fire Services to construct a fire station on a portion of property designated as Utilities in St. Augustine Shores

RESOLUTION NO. 2006-265

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF PROPERTY FROM ST. JOHNS COUNTY UTILITY DEPARTMENT ENTERPRISE FUND TO FIRE SERVICES (FIRE/EMS IMPACT FEE FUND) TO ALLOW FIRE SERVICES TO CONSTRUCT A FIRE STATION ON A PORTION OF PROPERTY DESIGNATED AS UTILITIES IN THE ST. AUGUSTINE SHORES

20. Motion to adopt **Resolution No. 2006-266**, accepting an Easement for Utilities for water and sewer service to Saint Johns Six Mile Creek North Subdivision Unit 6 Parcels 27, 28, 29 and 31

RESOLUTION NO. 2006-266

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SAINT JOHNS SIX MILE CREEK NORTH SUBDIVISION UNIT 6, PARCELS 27, 28, 29 AND 31

21. Motion to adopt **Resolution No. 2006-267**, authorizing the Clerk of Circuit Courts, under Section 95.361, Florida Statutes, to file a survey map for Four Mile Road, and/or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in Downing v. Bird, 100 So. 2d 57 (Fla. 1958)

RESOLUTION NO. 2006-267

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR FOUR MILE ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHT-OF-WAY, IN ACCORDANCE WITH THE PRINCIPALS SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA 1958)

22. Motion to adopt **Resolution No. 2006-268**, accepting an Easement for Utilities for water and sewer service to Summerset Village Planned Unit Development located off of US 1 South

RESOLUTION NO. 2006-268

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITES FOR WATER AND SEWER SERVICE TO SUMMERSET VILLAGE PLANNED UNIT DEVELOPMENT LOCATED OFF OF US 1 SOUTH

23. Motion to approve disposal of BCC Finance records for the Clerk of the Circuit Court, in accordance with Florida Statues
24. Proofs:
- a. Proof, Notice to Bidders, RFP 06-132
 - b. Proof, Notice to Bidders, Bid No. 06-133
 - c. Proof, Notice to Bidders, Bid No. 06-114
 - d. Proof, Notice of Meeting, Special/Private Meeting of the Board of County Commissioners, Tuesday, July 25, 2006 at 8:00 a.m. (printed July 18 & 19, 2006 in *The St. Augustine Record*)
 - e. Proof, Notice of Hearing, St. Johns County Board of County Commissioners/St. Johns County Community Redevelopment Agency, Tuesday, July 25, 2006 at 9:00 a.m.
 - f. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Dock Lighting Ordinance, Tuesday, July 25, 2006 at 9:00 a.m.
 - g. Proof, St. Johns County Board of County Commissioners, Proposed FY 2007 Financial Plan, Tuesday, July 18, 2006 at 9:00 a.m.

(08/08/06 – 6 – 9:28 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to make Item 19, time certain for 1:30 p.m. The Health Planning Council of Northeast Florida requested to add an item for the reappointment of Susan

Ponder-Stansel: it was added as Item 8a. Adams requested to pull Item 9: it would be resubmitted at a later date.

(9:30 a.m.) Bosanko requested to pull Item 11 and read a statement/public notice into the record: "The Marsh Landing at Sawgrass Master Association appeal of the Quadrille permit has been resolved, and is now moot in the opinion of the reviewing attorney from the County Attorney's Office. The staff interpretation in the issuance of the permit was valid, however, because the parties have privately agreed to a settlement position that requires Quadrille to submit its building permit and non-DRC permit applications to the Marsh Landing at Sawgrass ARB prior to County review and approval, the County will adopt that position for purposes of resolving this matter."

Bosanko also requested to add, for discussion, a proposed resolution from Hernando County regarding legislation regarding the insurance crisis in Florida as Item 22a. He also requested to add an appointment to the First Coast MPO Citizen Advisory Council as Item 8b.

(08/08/06 - 7 - 9:32 a.m.)

APPROVAL OF REGULAR AGENDA

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

(08/08/06 - 7 - 9:34 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF THE COUNTY'S WATER AND SEWER REVENUE AND REFUNDING BONDS, SERIES 2006, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$49,000,000

Bill Young reviewed this item, stating the changes and upgrades. He stated that the bond ratings had increased, which was a significant savings to the County. Rich asked, out of the 66,000 homes going in, how much of the area would have to be provided by St. Johns County, and if the \$20,000,000 sewage treatment plant would be able to handle the strain. Young responded.

(9:46 a.m.) Neil Shrinke, St. Johns County Utilities, explained that based on growth projections the 3 MG plant would last to 2015. They were trying to time the projects to be more productive from an economic standpoint. Bosanko stated that the changes that were distributed today were listed in a revised form of the resolution, Exhibit A. (9:49 a.m.) **Motion by Stern, seconded by Maguire, to adopt Resolution No. 2006-269, authorizing the issuance of the County's Water and Sewer Revenue and Refunding Bonds, Series 2006, in an aggregate principal amount not exceeding \$49,000,000.** Bosanko spoke on all the people who worked on the bond issue. *Stern mentioned that the motion should include the corrections.* Bryant requested that Ben Adams sign the documents: Bosanko stated that he would arrange it. **The motion carried 4/0 with Stevenson absent.**

RESOLUTION NO. 2006-269

RESOLUTION AMENDING AND SUPPLEMENTING
RESOLUTION NO. 89-84 ADOPTED BY THE BOARD OF
COUNTY COMMISSIONERS OF ST. JOHNS COUNTY,
FLORIDA, ON APRIL 25, 1989, AS PREVIOUSLY
AMENDED AND SUPPLEMENTED; FOR THE PURPOSE
OF AUTHORIZING THE ISSUANCE BY THE COUNTY

OF NOT EXCEEDING \$49,000,000 PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE AND REFUNDING BONDS, SERIES 2006, FOR THE PURPOSES OF (I) FINANCING A PART OF THE COST OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE COUNTY'S WATER AND SEWER SYSTEM, (II) REFUNDING A PORTION OF THE COUNTY'S OUTSTANDING WATER AND SEWER REVENUE AND REFUNDING BONDS, SERIES 1996 (THE "REFUNDED OBLIGATIONS"), (III) PURCHASING A RESERVE ACCOUNT SURETY RELATING TO THE SERIES 2006 BONDS AND (IV) PAYING THE COSTS OF ISSUING THE SERIES 2006 BONDS; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2006 BONDS THE PLEDGED FUNDS DESCRIBED IN RESOLUTION NO. 89-84; AUTHORIZING A NEGOTIATED SALE AND AWARD OF THE SALE OF THE SERIES 2006 BONDS, AND APPROVING THE CONDITIONS AND CRITERIA FOR SUCH SALE; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A PURCHASE CONTRACT WITH RESPECT TO THE SERIES 2006 BONDS; APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING A FINAL OFFICIAL STATEMENT WITH RESPECT TO THE SERIES 2006 BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE SERIES 2006 BONDS AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A REGISTRAR AND PAYING AGENCY AGREEMENT; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; RATIFYING THE COUNTY'S ACCEPTANCE OF THE INSURER'S COMMITMENTS RELATING TO A MUNICIPAL BOND INSURANCE POLICY AND A RESERVE ACCOUNT SURETY WITH RESPECT TO THE SERIES 2006 BONDS; APPOINTING AN ESCROW HOLDER AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT PROVIDING FOR THE PAYMENT OF THE REFUNDED OBLIGATIONS; AMENDING CERTAIN PROVISIONS OF RESOLUTION NO. 89-84 RELATING TO THE REQUIREMENTS FOR THE DELIVERY OF RESERVE ACCOUNT INSURANCE POLICIES; EXPRESSING THE COUNTY'S INTENTION TO BE REIMBURSED FROM THE PROCEEDS OF THE SERIES 2006 BONDS FOR CERTAIN PROJECT COSTS TO BE PAID BY THE COUNTY PRIOR TO THE ISSUANCE OF THE SERIES 2006 BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF THE SERIES 2006 BONDS; AND PROVIDING AN EFFECTIVE DATE

(08/08/06 - 9 - 9:52 a.m.)

2. COUNTY CHARTER GOVERNMENT WORKSHOP

County Attorney Dan Bosanko gave a briefing on Charter Government, going through the options. He distributed informational handouts, Exhibit A. He gave information on what Charter could give them, mentioned two main processes for adopting a Charter and spoke on the Miami-Dade situation and the Cook case. Maguire stated there was enough interest in the community to bring the Charter up again, and questioned if there were a way to get an Attorney General's Opinion on it. Bosanko spoke on the Attorney General's Opinion. Bryant stated that in his opinion, this should be a community driven project; Stern concurred.

(10:17 a.m.) Marcy Silkebaken, 1145 Neck Road, spoke in favor of Charter Government, and stated that the proposed charter that was drafted did not affect the constitutional officers. Rich asked her what she wanted the Board to do. Silkebaken replied that they wanted the Board to give its consensus to the legislative delegation that it would like to adopt a charter by special act so that it could include the campaign finance report. Rich asked if the request by Silkebaken would be the normal thing for the Board to do to allow this to go on to the people. Bosanko stated that, in his opinion, that would not be the normal thing to do, the normal thing would be to follow state law. Silkebaken highlighted points in the charter that they drafted.

(10:28 a.m.) Margaret Clark, 104 Cordova Reina Court, spoke in favor of Charter Government.

(10:30 a.m.) Clara Cowan, 244 Patrick Mill Circle, spoke in favor of Charter Government.

(10:31 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S., spoke in favor of Charter Government.

(10:36 a.m.) Phyllis Abbatiello, 1133 River Birch Rd., spoke in favor of Charter Government, and placed a copy of the original charter into the record.

(10:39 a.m.) Nick Meiszer, 252 Redfish Creek Dr., spoke in favor of Charter Government.

The meeting recessed at 10:48 a.m. and reconvened at 10:57 a.m.

(08/08/06 - 9 - 10:57 a.m.)

3. REVENUE SHARING BOND PROJECT UPDATE

Mike Rubin, Construction Manager, gave a brief update on two of the projects in the revenue sharing bond, and mentioned that Doug Thimms would give the Board the financial end of it.

(11:01 a.m.) Doug Thimms, Director of Management and Budget, stated that the motion would be different than what was proposed in the agenda packet and he explained.

(11:03 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Stevenson absent, to approve the transfer of \$2,500,000 from Administrative Land (3383-56100) to increase the project budget for the Detention Center Expansion project (8936) (3382-56300). Motion by Maguire, seconded by Rich, carried 4/0 with Stevenson absent, to change the proposed FY 2007 Recommended Budget to transfer \$400,000 from Administrative Land (3383-56100) and \$150,000 from Capital Outlay Reserve (3384-**

59927) to increase the project budget for the Property Appraiser's Expansion project (8946) (3384-56300).

(08/08/06 - 10 - 11:06 a.m.)

4. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH THE LOW BIDDER, PETTICOAT CONTRACTING, IN THE AMOUNT OF \$935,300; AND MOTION TO ISSUE A DEDUCTIVE CHANGE ORDER TO PETTICOAT CONTRACTING IN THE AMOUNT OF \$102,415.50, REDUCING THE LUMP SUM CONTRACT AMOUNT TO \$832,884.50 FOR THE US 1 AND STRATTON ROAD UTILITY, PAVING AND RAILROAD CROSSING IMPROVEMENTS

Mike Rubin, Construction Manager, reviewed this item, giving a brief update. **Motion by Rich, seconded by Stern, carried 4/0 with Stevenson absent, to authorize the County Administrator, or his designee, to enter into a contract with the low bidder, Petticoat Contracting, in the amount of \$935,300; and motion to issue a deductive change order to Petticoat Contracting in the amount of \$102,415.50, reducing the lump sum contract amount to \$832,884.50.**

(08/08/06 - 10 - 11:08 a.m.)

5. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ST. JOHNS COUNTY UTILITY DEPARTMENT TO PAY FOR CERTAIN UTILITY COSTS IN CONNECTION WITH THE SR 16 WATER MAIN EXTENSION RELATED TO HERITAGE LANDING, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ANY DOCUMENTS ASSOCIATED WITH SUCH PROJECT ON BEHALF OF THE COUNTY

Neal Shinkre, Utility Engineering Manager, reviewed this item. (11:10 a.m.) **Motion by Rich, seconded by Stern, carried 4/0 with Stevenson absent, to adopt Resolution No. 2006-270, authorizing the St. Johns County Utility Department to pay for certain utility costs in connection with the SR 16 water main extension related to Heritage Landing; and authorizing the County Administrator to execute, on behalf of the County, any documents associated with such project.**

RESOLUTION NO. 2006-270

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE ST. JOHNS COUNTY UTILITY DEPARTMENT TO PAY FOR CERTAIN UTILITY COSTS IN CONNECTION WITH STATE ROAD 16 WATER MAIN EXTENSION RELATED TO HERITAGE LANDING, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ON BEHALF OF THE COUNTY, ANY DOCUMENTS ASSOCIATED WITH SUCH PROJECT

(08/08/06 - 10 - 11:12 a.m.)

6. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE AND PREPARE A DRAFT CONTRACT FOR RFQ NO: 06-45, MANAGEMENT AND OPERATIONAL SERVICE FOR THE ST. AUGUSTINE AMPHITHEATRE

Joe Burch, Purchasing Manager, reviewed this item, giving a brief summary of the proposals. Bryant commented on the proposals. Rich asked if there had been any formal protests in reference to the recommended awarding of the contract. Burch

replied that there was a formal protest filed by Signature Entertainment. Discussion ensued.

(11:18 a.m.) Brian Kabatznick, 710 Market Street, Philadelphia, for SMG, gave a brief summary of their company. Discussion followed on the market.

(11:30 a.m.) Bruce Lucker, 545 Granada Terrace, for Signature Entertainment, introduced his staff. (11:34 a.m.) Cyndi Stevenson entered the meeting. Lucker stated that they were committed to providing the citizens of St. Johns County a robust and diverse annual calendar of programming. He gave his credentials.

(11:37 a.m.) Maguire asked if the original date for the RFP was extended. Burch replied that they had extended the date. Discussion followed on extending the deadline date. Rich stated that he would support the re-announcement of this contract. Maguire spoke on conflict of interest. (11:44 a.m.) *Motion by Maguire, seconded by Bryant, to authorize the County Administrator, or his designee, to negotiate and prepare a draft contract for later presentation to the BCC for their consideration. Negotiations will begin with the No. 2 ranked firm Signature Entertainment. If an agreement cannot be reached with the No. 2 ranked firm, Signature Entertainment, authorization is requested to terminate negotiations and go out for new bids.* Stern stated that they needed to look more favorably at local companies. Hunt reviewed the procedural issues involved with not accepting the recommendation of the evaluation team. Bryant gave his reasons for not accepting the No. 1 ranked company. (11:52 a.m.) *Maguire withdrew his motion and the second also withdrew.* (11:53 a.m.) **Motion by Maguire, seconded by Bryant, not to accept the recommendation of the evaluation team based primarily on what he believed to be a failure to adequately project revenues that were indicative of our community in capabilities, so the financial plan and services to be provided, he thought, were in adequate.**

(11:56 a.m.) Paul Harden, 136 Sea Hammock Way, Ponte Vedra, SMG, spoke to some of the comments made about the company he worked for. Maguire responded to Harden about integrity. Stevenson spoke on the ticket pricing assumption Harden made and asked about it not fitting the community. Harden responded that he did not agree. (12:03 p.m.) **The motion carried 4/1 with Stevenson opposed.** (12:03 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/1 with Stevenson opposed, to reject the proposal submitted by SMG for the same reason as stipulated in the previous motion.** (12:04 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/1 with Rich opposed, to accept the proposal submitted by Signature Entertainment, based on what he believed were more realistic projections of revenues and accommodating the local community.** (12:04 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/1 with Rich opposed, with the caveat that if they could not reach an agreement with Signature Entertainment, then they could terminate and start the process for a new RFP.**

(08/08/06 - 11 - 1:30 p.m.)

7. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, CONDITIONS AND PROVISIONS, AND REQUIREMENTS OF A FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) BEACH WALKOVER GRANT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT, ON BEHALF OF THE COUNTY

Shorty Robbins, Recreation & Parks Administrative Manager, gave the presentation and stated the grant was to develop up to 20 beach walkovers along A1A, the full length of

the County. She noted that the Beach Management Division was identifying the sites, and that 7 walkovers had been planned with the \$400,000 currently appropriated.

(1:37 a.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Maguire absent, to adopt Resolution No. 2006-271, approving the terms, conditions, provisions and requirements of an FRDAP Beach Walkover Grant Agreement between the Florida Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP), and St. Johns County, Florida, and authorizing the County Administrator to execute the Agreement, on behalf of the County.**

RESOLUTION NO. 2006-271

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JONNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT FOR CONSTRUCTION OF BEACH ACCESS WALKOVERS, AND AUTHORIZING THE COUNTY ADMINISTRATOR, AND THE COUNTY ATTORNEY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

(08/08/06 - 12 - 12:05 p.m.)

8. **CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD**

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that there were three vacancies. (12:07 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to appoint Robert D. Crenshaw to the Ponte Vedra Zoning & Adjustment Board for a full four-year term, scheduled to expire April 26, 2010; and Robert D. Cameron to the Ponte Vedra Zoning & Adjustment Board for a partial term, scheduled to expire January 7, 2007.**

(08/08/06 - 12 - 12:07 p.m.)

8a. **REAPPOINTMENT TO THE HEALTH PLANNING COUNCIL OF NORTHEAST FLORIDA**

Melissa Lundquist, Administrative Coordinator, stated that this item was to reappoint Susan Ponder-Stansel to the Health Planning Council of Northeast Florida. (12:08 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to reappoint Ms. Susan Ponder-Stansel to the Health Planning Council of Northeast Florida for a two-year term, scheduled to expire October 2008.**

(08/08/06 - 12 - 12:09 p.m.)

8b. **APPOINTMENT TO THE FIRST COAST MPO CITIZEN ADVISORY COUNCIL**

Maguire reviewed this item. (12:09 p.m.) *Motion by Maguire, seconded by Stern, to appoint Joseph Rubino to the First Coast MPO's Citizen Advisory Council as a St. Augustine citizen representative.* Rich stated that this was a new item to him and he had not had a chance to review this or speak to Mr. Rubino in reference to this appointment. He stated that he would like to delay this item to the next meeting to give him a chance to talk to Mr. Rubino. Maguire briefly gave Rubino's credentials and asked to delay this item to the afternoon. (12:11 p.m.) *Maguire withdrew his motion; the second also withdrew.* Melissa Lundquist commented on Rubino being the only one to show interest, and that this

position had been vacant for a long time. Bryant stated they would continue this item after lunch.

(6:21 p.m.) Subsequently, Maguire restated his motion from the morning: **Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to appoint Joseph Rubino to the First Coast MPO's Citizen Advisory Council as a St. Augustine citizen representative.**

The meeting recessed at 12:13 p.m. and resumed at 1:30 p.m. with Bryant, Rich, Stevenson and Stern present and Maguire absent. Terry Bulla, Deputy Clerk, entered the meeting.

9. CONSIDER APPOINTMENTS TO THE NORTH COASTAL CORRIDOR OVERLAY DISTRICT DESIGN REVIEW BOARD

This item was pulled from the agenda.

(08/08/06 - 13 - 1:38 p.m.)

10. CONSIDER A REQUEST TO WAIVE FILING TIME PERIOD FOR PUD 2006-04, OLD MOULTRIE BLUFF PLANNED UNIT DEVELOPMENT

Teresa Bishop, Growth Management Director, gave the presentation and noted that the PUD request had been denied at the last meeting. She said the applicant was making the request based on some changes they wanted to make to the PUD and then re-file it.

(1:38 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/0 with Maguire absent, to approve the waiver allowing the applicant to re-file a revised PUD within the one year time period as provided in Section 9.04.05.C of the Land Development Code.**

Rich reminded Davenport that he had extreme reservations with putting a car lot next to any kind of residential development.

11. CONSIDER APPEAL TO THE ISSUANCE OF A DEVELOPMENT PERMIT FOR QUADRILLE PROJECT FILED BY MARSH LANDING AT SAWGRASS MASTER ASSOCIATION, INC.

This item was pulled from the agenda.

(08/08/06 - 13 - 1:40 p.m.)

12. PUBLIC HEARING - CPA (SS) 2006-10, BICKNELL FAMILY TRUST-APPLICATION NO. CPA (SS)-2006-10, KNOWN AS BICKNELL FAMILY TRUST, IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 COMPREHENSIVE PLAN FOR 1.47 ACRES OF LAND LOCATED NORTH OF SR 207, WEST OF THE INTERSECTION OF OLD MOULTRIE ROAD AND SR 207 AND EAST OF THE RAILROAD TRACKS ON OLD SPANISH TRAIL/ STUART AVENUE. THIS IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, WHICH IS EXEMPT FROM THE TWICE-YEARLY AMENDMENT CYCLES. AT ITS MEETING ON JULY 6, THE PZA UNANIMOUSLY RECOMMENDED APPROVAL OF THE PROPOSED SMALL SCALE 2015 FUTURE LAND USE AMENDMENT CHANGE FROM RESIDENTIAL D TO MIXED USE FUTURE LAND USE DESIGNATION

Proof of publication for the notice of public hearing regarding CPA (SS)-2006-10, known as Bicknell Family Trust, was received having been published in *The St. Augustine*

Record on July 24, 2006.

Teresa Bishop, Growth Management Director, gave the presentation for the Bicknell Family Trust. She explained that it was a small scale Comprehensive Plan Amendment from Residential D to Mixed Use District. She said it was already zoned IW so the request would be bringing the property into compliance with the existing zoning.

Stevenson asked Bishop if there was residential development around the area, which might affect future uses. Bishop said mixed uses would allow different uses and would have to comply with the Land Development Code.

Rich asked applicant, Lee Bicknell, what uses he had proposed. Lee Bicknell, 19 Milton Street, stated he was a locksmith and also a honey beekeeper and would keep beekeeping equipment there, though there would be no actual hives at that location. He said he would do his truck maintenance, welding and woodworking at the distribution facility as well as bottling honey. (1:47 p.m.) Maguire joined the meeting.

(1:54 p.m.) **Motion by Stevenson, seconded by Stern, carried 5/0, to enact Ordinance 2006-90 amending the Future Land Use Map from Residential D to Mixed Use for Application No. CPA (SS)-2006-10, for property located north of SR207, west of the intersection of Old Moultrie Road and SR 207 and east of the railroad tracks on Old Spanish Trail/Stuart Avenue.**

ORDINANCE NO. 2006-90

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL D TO MIXED USE, FOR PROPERTY LOCATED NORTH OF SR 207, WEST OF THE INTERSECTION OF OLD MOULTRIE ROAD AND SR 207 AND EAST OF THE RAILROAD TRACKS ON OLD SPANISH TRAIL/STUART AVENUE; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF SEVERABILITY; AND AN EFFECTIVE DATE

Items 13, 14, and 15 were all heard together and then voted upon separately.

(08/08/06 - 14 - 1:55 p.m.)

13. PUBLIC HEARING - CONAGREE2006-01, CONCURRENCY AND IMPACT FEE CREDIT AGREEMENT - THE DEVELOPERS OF THE ST. AUGUSTINE LAKES PUD, AND THE MORGAN'S COVE PUD HAVE PROPOSED A CONCURRENCY AND IMPACT FEE CREDIT AGREEMENT WITH ST. JOHNS COUNTY. THE PROPOSED CONCURRENCY AGREEMENT WILL SERVE AS THE DEVELOPERS' COMMITMENT TO BUILD THE TRANSPORTATION FACILITIES NECESSARY TO SERVE THE IMPACTS OF THE PROPOSED DEVELOPMENTS, SPECIFICALLY IMPROVEMENTS THAT PROVIDE ADEQUATE CAPACITY ON LINK 67.1 (HOLMES BLVD. FROM SR 207 TO CR 214), LINK 67.2 (HOLMES BLVD. FROM CR 214 TO FOUR MILE RD.), AND THE SR 207/HOLMES BLVD/ROLLING HILLS DRIVE INTERSECTION IN ORDER TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS. A REQUEST FOR APPROVAL OF ROAD IMPACT FEE CREDITS IS INCLUDED IN THE AGREEMENT. THE PROPOSED IMPROVEMENTS ARE CONSIDERED "OFF-SITE" ROADWAY IMPROVEMENTS, THUS THE COST OF THE IMPROVEMENTS ARE

ELIGIBLE FOR IMPACT FEE CREDITS. THE TOTAL COST OF IMPROVEMENTS PROPOSED IN THIS AGREEMENT IS ESTIMATED TO BE \$985,000.00

Proof of publication for the notice of public hearing regarding CONAGREE 2006-01, Concurrency and Impact Fee Credit Agreement, was received having been published in *The St. Augustine Record* on July 24, 2006.

Bill Hartman, Transportation Planning Manager, gave the presentation and stated it was to acquire the concurrency and impact fee agreement for two projects, St. Augustine Lakes and Morgan's Cove PUD. He stated the agreement before them was to achieve approval for an additional 339 units, and also they proposed improvements to Holmes Blvd., which would allow them to achieve concurrency on the segments that previously showed failure. He affirmed that Florida Memorial College owned the property to the west of Holmes Blvd., and the County Real Estate Division was in negotiations with them for purchase of the property for the right-of-way needed for the improvements. The applicant had agreed to pay a pro-rated share for the right-of-way for the proposed improvements. He noted that the third improvement was to add a southbound left turn lane at King St. extension and Holmes Blvd. He stated the total of the improvements was \$985,000., which would be less than what would be collected under impact fees. There was discussion on the ingress and egress because there was only one entrance.

(2:05 p.m.) Doug Burnett, Rogers Towers, 170 Malaga St., clarified that the request was for 339 units within two developments, not 1000 units, and that included a development agreement that proposed roughly \$1 million in improvements. He mentioned that there were also site related improvements that were not in the development agreement, and for which they could not get impact fee credits, that would cost them approximately \$4 million. He said it was far more than road improvements.

(2:09 p.m.) Baron Bartlett, 185 N. Roscoe, Palm Valley, commented that months of negotiations had been undertaken with Mr. Stephenson and his recommendations had continued to increase and the funds being spent were at his request.

(3:57 p.m.) Bryant disclosed ex-parte with Burnett for items 13 & 14. Rich declared ex-parte with Burnett, Stern declared ex-parte with Burnett and Mays, Maguire disclosed ex-parte with Burnett and Mays. Stevenson declared ex-parte on items 13 and 14 with Burnett, Mays and Cynthia Strickland. Rich declared ex-parte with Burnett. Stern declared ex-parte for items 13 and 14 with Doug Burnett and Phil Mays. Maguire declared ex-parte with Burnett and Mays regarding transportation and routing of the road and playgrounds. Stevenson declared ex-parte on items 13 and 14, with Burnett, May and Cynthia Strickland.

(4:00 p.m.) Isabell Lopez, Senior Assistant County Attorney, said the corrected version of the concurrency agreement had been presented to the Clerk with the correct numbers of the single family dwelling units to 230 and 550 multi-family residential units.

(4:02 p.m.) Rich said he did not like the impact fee agreements and the quid pro quo that went along with them.

(4:02 p.m.) *Motion by Rich to deny the proposed Concurrency and Impact Fee Agreement. The motion died for lack of a second.*

(4:03 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/1 with Rich dissenting, to approve the proposed Concurrency and Impact Fee Agreement; and authorize the**

County Administrator to execute the Agreement with the corrections as submitted.

(4:07 p.m.) Bryant said the water and sewer line would enhance the opportunity for West Augustine to receive sewer service especially to the affordable housing area.

(4:08 p.m.) Stern said that was one of the most important things that came out of her discussions with the developer. She said it would provide economic opportunities for a large area of the community.

(4:12 p.m.) Rich stated that the area was not compatible with the surrounding land uses and it was not in the best interest of the public, and that he was opposed to the project. Bryant clarified that the land use was for Residential C and thus it was in compliance with the Comprehensive Plan.

(08/08/06 - 16 - 2:11 p.m.)

14. PUBLIC HEARING - PUD 2005-20 ST. AUGUSTINE LAKES PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 232 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO DEVELOP A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) CONSISTING OF UP TO 380 SINGLE FAMILY UNITS AND 420 MULTI-FAMILY TOWNHOME UNITS. THE SITE IS LOCATED WEST OF HOLMES BOULEVARD, SOUTH OF THOMPSON BAILEY ROAD, NORTHEAST OF CARTER ROAD. THE MASTER DEVELOPMENT PLAN PROPOSES ONE ACCESS POINT OFF OF THOMPSON BAILEY ROAD EXCEPT FOR CUL-DE-SACS WITH LESS THAN FIFTEEN LOTS, THERE WILL BE INTERNAL SIDEWALKS A MINIMUM OF FOUR FEET IN WIDTH PROVIDED ON ONE SIDE OF ALL INTERNAL ROADS AND A FIVE FOOT SIDEWALK WILL BE PROVIDED ALONG BOTH SIDES OF THE 80 FOOT WIDE ENTRANCE ROAD. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS REZONING REQUEST AT THEIR APRIL 6, 2006 HEARING BY A VOTE OF 4/2

Proof of publication for the notice of public hearing regarding PUD 2005-20, St. Augustine Lakes Planned Unit Development, was received, having been published in *The St. Augustine Record* on July 24, 2006.

Lindsay Haga, Chief Planner, stated that they had received revised material regarding the Master Development Plan text and map that they should be working from for the proposed PUD 2005-20, St. Augustine Lakes Planned Unit Development. She noted the major change was the split of units with 230 single-family units and 470 multi-family units. She said the concurrency agreement would provide for one-third of the required concurrency for this proposed project, or 162 single family units, so that was an outstanding issue to be resolved. She said it also included a waiver request and it was to file an incremental Master Development Plan for the parks and amenities centers located in the project. She said the developer would provide intersection improvements that would taper into the existing Deer Run Rd. to provide for access onto Holmes Blvd. She noted that the PZA recommended denial at their April 6 meeting with a vote of 4/2, ruling that it was not consistent with the neighborhood, not compatible, may result in environmental impacts and full concurrency had not been reached. She noted that the PZA was not privy to the same information that the Board received regarding concurrency. She stated that staff found it consistent with the Future Land Use category and with the Land Development Code.

(2:14 p.m.) Stevenson commented about ingress and egress. She questioned stacking issues. Hartman said he did not think it would be a problem based on their

calculations.

(2:19 p.m.) Stern declared ex-parte communication with Phil Mays, Doug Burnett and Bob Boatmaster to discuss various parts of the project, including environmental issues.

(2:20 p.m.) Burnett reviewed the MDP map, including site related improvements, which equated to approximately \$4 million. He noted that the neighboring areas would be enhanced by the roadway improvements, the extension of the water and sewer system through West Augustine, and the recreational areas open to the public. He stated that attempts had been made to accommodate neighbors who did not want traffic on Neil Rd., Thompson Bailey Rd. and Carter Rd. by acquiring parcels, and allowing the traffic to move onto Deer Run Rd. He noted that many of those who had been opposed to the project had now gone on record in favor of it, based on changes the developer had made as a result of their input.

There was general discussion about noise issues from the borrow pit, the possibility of an entrance on the southern side of the project, room for school bus turn-arounds, and agreements made by the developer with surrounding neighbors and the need for those promises to be included in the Master Development Plan text or not.

(2:29 p.m.) Phil Mays, Mays Real Estate Investment Group, spoke and said they had met with neighbors who expressed concerns and explained what the actual plans were. They were able to allay the fears of 6 of 7 neighbors who had concerns, which was basically the prospect of burdening the local roads with heavy traffic. He said they would also bring water and sewer into the area, which would possibly benefit the West Augustine area.

(2:34 p.m.) Stern commented about the recreational area, which would be open to the West Augustine residents, and about the future use of the water and sewer lines, which would become available for that same area.

(2:41 p.m.) Stevenson commented on the two access points and asked if there was a possible access from the southern boundary. Burnett said the existing access road was Carter Rd. Stevenson said if the borrow pit was closed if they could plan an access road through that area.

(2:44 p.m.) Rich commented about money given to residents to plant buffers on the applicant's property and a fence on the easterly boundary. He said those kinds of things needed to be included in the MDP text.

(2:49 p.m.) Patrick McCormack, Assistant County Attorney, said if they were reasonably required they might want to take a recess to discuss it.

(2:50 a.m.) McCormack suggested if the language was a requirement, determined by the Board, that it needed to be included in the PUD. He suggested that Burnett take a recess from the meeting and get back to them during the meeting with refined language.

(2:52 p.m.) Burnett said they did have a roundabout. He said school capacity was adequate and they had a letter from the School Board.

(2:53 p.m.) Pierre Thompson, 206 Pelican Reef Drive, spoke in favor of the project and stated it would be an enhancement to the area.

(2:55 p.m.) Rich asked if there would be affordable housing in the area. May said the

multi-family property would begin from the 190s and the solitary-family properties in the 200s.

(2:57 p.m.) Robert Spence, 1845 Carter Rd., spoke and said his concern was that Carter Rd. not be opened up as a thoroughfare because of the wildlife in the area and in the adjoining swamp.

(3:02 p.m.) Mary Robinson, 1975 Powell Rd., spoke about the traffic issues the development would cause, as the roads couldn't handle the traffic on it now. She said she moved there for the quiet neighborhood and it was all going to be changed. She expressed concern because they had been given no information about the development.

(3:09 p.m.) Richard Davis, 3289 Kings Rd. South, spoke regarding concurrency. He said he got the last bit of concurrency off of Holmes Blvd. when he got concurrency for his project 3 years ago. He said they were trying to put a band-aid on a major wound, and the road could not handle any further development. He said Deer Run Rd. flooded when they had rain and it was difficult for emergency vehicles to get onto the road.

(3:16 p.m.) The meeting was recessed for afternoon break and resumed at 3:25 p.m. McCormack stated that the text from Burnett would be included in the PUD text.

(4:13 p.m.) Motion by Stern, seconded by Bryant, carried 4/1 with Rich dissenting, to enact Ordinance 2006-91, known as PUD 2005-20 St. Augustine Lakes PUD, adopting findings of fact one through seven to support the motion, and adding language to include emergency access on Neil Road in the MDP text and also adding the two adjacent property owner statements as exhibits, and language pertaining to one of those exhibits as recommended by counsel pertaining to private enforcement.

ORDINANCE NO. 2006-91

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

(08/08/06 - 18 - 4:14 p.m.)

15. PUBLIC HEARING - PUD 2006-07, MORGAN'S COVE PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 279.94 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO CONSTRUCT UP TO 283 SINGLE FAMILY HOMES. FOURTEEN LOTS ARE PROPOSED TO BE EQUESTRIAN LOTS AND ALLOW HORSES AND PONIES WITH BARNES AND STABLES. THE SITE IS LOCATED ON THE NORTH SIDE OF COUNTY ROAD 214, ADJACENT TO INTERSTATE 95. THE MASTER DEVELOPMENT PLAN PROPOSES ONE ACCESS POINT OFF OF COUNTY ROAD 214. ONE INTERCONNECTION WILL BE PROVIDED ON THE WEST PORTION OF THE PROPERTY THROUGH AN EXISTING 60-FOOT ACCESS EASEMENT. THERE WILL BE A FIVE-FOOT SIDEWALK ALONG THE MINOR COLLECTOR PORTION OF THE INTERNAL ROAD AND A FOUR-FOOT SIDEWALK ALONG THE INTERNAL LOCAL ROAD. THERE WILL BE A MINIMUM OF 69.99 ACRES OF OPEN SPACE OR 25% OF THE SITE. OPEN SPACE TOTALS INCLUDE WETLANDS, WETLAND BUFFERS, PERIMETER BUFFERS AND

RECREATION. A MINIMUM OF 3.58 ACRES OF ACTIVE RECREATION WILL BE PROVIDED BY TOT LOTS, AN EXERCISE PATH, AND A GRASSED FIELD. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE ADJACENT ZONING IS OPEN RURAL (OR). THE PROPERTY IS LOCATED WITHIN THE RESIDENTIAL-B FUTURE LAND USE DESIGNATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 20, 2006 HEARING BY A VOTE OF 5/1. THE CONCERNS EXPRESSED DURING THE PLANNING AND ZONING AGENCY MEETING CENTERED ON THE 80 FOOT ACCESS EASEMENT PROVIDED TO THE EXISTING PLATTED LOTS NOT BEING PAVED

Proof of publication for the notice of public hearing regarding PUD 2006-07 Morgan's Cove Planned Unit Development, was received having been published in *The St. Augustine Record* on July 24, 2006.

(3:26 p.m.) Mike Blackford, Planner II, gave the presentation and reviewed the staff report. He said the Planning Division did support the request. PZA recommended approval by 5/1 vote, with objection to the 60-foot easement.

(3:28 p.m.) Baron Bartlett, 185 N. Roscoe, Palm Valley, said they had worked on the project for two years and had designed 11 different site plans. He said they immediately saw the drainage issue, began to work on it, and could cure the drainage issues with 5 ponds on the site and with pipes, catch basins and outfalls. He stated they would improve the water and sewer capability throughout the community, that they had good buffering and fencing, they had addressed school bus stops and turn-arounds, lot sizes were deep and wide, they had obtained letters from the school system saying they had sufficient capacity and he noted they had met with the community on several occasions and that agreements had been put in writing with various residents and would be included in the Master Development Plan.

(3:40 p.m.) Maguire said the County was not amenable to accepting a dead end road or the 60-foot right-of-way. Bartlett said a MSBU had been discussed to pave the road. Maguire said he recommended giving it to the homeowners, not to the County. Bartlett said they had approval from Florida Power and Light for a turn around at the end of the road and they would be happy to include that as a condition.

(3:43 p.m.) Stern asked if Deer Run homeowners were happy with their proposals. She said the buffering was great, but she said they should be sure that they did not isolate or cut off the current residents. She asked if fire and rescue had reviewed the project. Blackford said they had reviewed the request but the turn around had probably been missed and would need to be modified by them.

(3:49 p.m.) Bartlett said there was enough room for a cul-de-sac without going to the FPL right-of-way and they would agree to that. He noted that the concurrency issue was a combination of a lot of things.

(3:50 p.m.) Richard Sheldon, 2900 County Road 214, said the developers had done a good job of selling them on the project. He said the only concern was regarding CR 214 area was growing rapidly and they were not seeing sufficient improvements for ingress, egress and fire services for the area.

There was additional general discussion regarding the infrastructure and emergency services for the area.

(4:14 p.m.) Motion by Bryant, seconded by Stern, carried 5/0, to enact Ordinance 2006-92, known as PUD 2006-07 Morgan's Cove PUD adopting findings of fact one through seven to support the motion, with the inclusion of an August 6, 2000 letter, in which the applicant committed to a list of items for additional improvements pertaining to the Deerwood Acres residents, and that they should have a private right to enforce any and all of those provisions, and to strike item No. 5 from that list.

ORDINANCE NO. 2006-92

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

(4:17 p.m.) Deputy Clerk Robin Platt entered the meeting and Deputy Clerk Terry Bulla left the meeting.

(08/08/06 - 20 - 4:17 p.m.)

16. PUBLIC HEARING - REZ 2006-18, OLD MOULTRIE ROAD REZONING - THIS IS A REQUEST TO REZONE 2.71 ACRES OF LAND FROM OPEN RURAL (OR) AND RESIDENTIAL SINGLE-FAMILY RS-3 TO OPEN RURAL (OR). THIS PROPERTY IS LOCATED AT 3440 OLD MOULTRIE ROAD. THIS PROPERTY WAS DONATED TO ST. JOHNS COUNTY IN 1987 AND IS LIMITED BY DEED RESTRICTION TO BE USED FOR MEETINGS, RECREATIONAL USES OR A COURTHOUSE ANNEX. THE 1,320 SQUARE FOOT BUILDING WAS PREVIOUSLY USED AS A COMMUNITY CENTER FOR THE RESIDENTS IN THE AREA. ST. JOHNS COUNTY INTENDS TO LEASE THE EXISTING BUILDING TO THE GARDEN CLUB OF ST. AUGUSTINE, INC., FOR THEIR MEETINGS. THE PROPERTY HAS MIXED USE DISTRICT (MD) LAND USE, AS DEPICTED ON 2015 FUTURE LAND USE MAP. CENTRAL WATER WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. THE PROJECTED DEMAND OF POTABLE WATER IS 400 GALLONS PER DAY, AND THEREFORE, THE DEVELOPMENT DOES NOT TRIGGER THE CENTRAL SEWER REQUIREMENT OF THE MIXED USE DISTRICT (MD) POLICIES. ADJACENT ZONINGS ARE OPEN RURAL (OR), COMMERCIAL GENERAL (CG), INDUSTRIAL WAREHOUSING (IW), AND RESIDENTIAL, SINGLE-FAMILY RS-3. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 6, 2006 HEARING BY A VOTE OF 5/1 (ROBITZSCH - OPPOSED TO LIMITING THE USE TO ONLY THE GARDEN CLUB)

Proof of publication for the notice of public hearing regarding REZ 2006-18, Old Moultrie Road Rezoning, was received, having been published in *The St. Augustine Record* on July 24, 2006.

Michael Blackford, Planning Department, presented the details of this item, with Nanette Bradbury from the Real Estate Department. Rich read an e-mail from the Tillmans, who reside at 3424 Old Moultrie Rd., supporting the request, but stating concerns of safety. Discussion followed regarding the exclusive use of the building by the Garden Club and the renovations.

(4:25 p.m.) Patrick McCormack, Assistant County Attorney, explained that this was a rezoning request, and as such, the use of the building was not pertinent to the zoning decision.

(4:26 p.m.) Esther Whetstone, 282 St. George St., President of the Garden Club of St. Augustine, explained the improvements they would make to the building and grounds.

(4:30 p.m.) Mary Nell Black, 132 13th Street; Ellen Susan Swain, 716 Willow Wood Place; and Peggy Bailey, 3008 First Street; Garden Club members, spoke in favor of the rezoning. (4:41 p.m.) Bradbury explained the ingress/egress plan for the property.

(4:41 p.m.) Motion by Maguire, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-93, known as REZ 2006-18, Old Moultrie Road Rezoning, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2006-93

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) AND RESIDENTIAL SINGLE-FAMILY RS-3 TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(08/08/06 - 21 - 4:42 p.m.)

17. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CUMMER LANDS IMPACT FEE CREDIT AGREEMENT AMENDMENT FOR ROAD IMPACT FEE CREDITS

Lindsay Haga, Chief Planner, presented a brief history, and the purpose, of this request.

(4:43 p.m.) Motion by Stevenson, seconded by Maguire, carried 5/0, to adopt Resolution No. 2006-272, authorizing the County Administrator to execute the Cummer Lands Impact Fee Credit Agreement Amendment for road impact fee credits.

RESOLUTION NO. 2006-272

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE IMPACT FEE CREDIT AGREEMENT WITH DURBIN CREEK NATIONAL, LLC (RESOLUTION 06-51)

(08/08/06 - 21 - 4:44 p.m.)

18. PUBLIC HEARING - LAS CALINAS COMMUNITY DEVELOPMENT DISTRICT PETITION - THE LAS CALINAS CDD PETITION INCORPORATES THE APPROVED LAS CALINAS PUD AND RESIDENTIAL LOTS OF THE LAS CALINAS PRD, A PORTION OF WHICH IS WITHIN THE MARSHALL CREEK DEVELOPMENT OF REGIONAL IMPACT. THE CDD COVERS APPROXIMATELY 524.81 ACRES OF LAND LOCATED BETWEEN LAS CALINAS BOULEVARD, EAST OF US 1, NORTH OF THE EXISTING MARSHALL CREEK (PALENCIA) DRI. THE PROPERTY WAS ADDED TO THE EXISTING DRI IN 2005. THE PROJECT IS PLANNED FOR

APPROXIMATELY 540 RESIDENTIAL UNITS. THE PETITION PROPOSES THAT THE CDD PROVIDE THE FOLLOWING INFRASTRUCTURE IMPROVEMENTS WITHIN THE DISTRICT INCLUDING: ROADWAYS, WATER AND WASTEWATER, STORMWATER SYSTEM, LANDSCAPE AND ENTRY FEATURES, AMENITY CENTER, LIGHTING, STREET TREES AND RECREATION FACILITIES

Proof of publication of the notice of public hearing regarding the Las Calinas CDD petition, was received, having been published in *The St. Augustine Record* on July 12, 19 and 26 and August 2, 2006.

Lindsay Haga, Chief Planner, explained the new Exhibits 7 and 11 that were distributed, and the details of this item.

(4:46 p.m.) Jonathan Johnson, 123 S. Calhoun St., Tallahassee, representing the petitioner, explained what the category "Neighborhood Infrastructure" on Exhibit 7 included, with discussion following.

(4:50 p.m.) **Motion by Stevenson, seconded by Maguire, carried 5/0, to enact Ordinance No. 2006-94, approving the petition for the Las Calinas Community Development District, adopting findings of fact one through six to support the motion.**

ORDINANCE NO. 2006-94

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE LAS CALINAS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2005); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

(08/08/06 - 22 - 1:30 p.m.)

19. PUBLIC HEARING - MAJMOD 2005-28, ANDERSON PARK PUD - THIS IS A MODIFICATION TO AN EXISTING PUD, ANDERSON PARK PUD (APPROVED BY ORDINANCE 1996-66), TO INCLUDE AN ADDITIONAL COMMERCIAL USE AND PROVIDE FOR DIRECT ACCESS TO STATE ROAD 16. SPECIFICALLY, THIS REQUEST SEEKS TO ADD A SERVICE STATION WITH RETAIL FACILITIES (COMMERCIAL HIGHWAY TOURIST USE) TO THE PERMITTED USES OF THE PUD, AS PROPOSED ON THE MASTER DEVELOPMENT PLAN MAP, PROVIDING FOR DIRECT ACCESS TO SR16. THE TOTAL SIZE OF THE PUD IS 197 ACRES. THE PROPOSED USE TO BE DEVELOPED ON A 2.68 ACRES SUB-PARCEL SITE IS FOR A SERVICE STATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM DURING THE JULY 6, 2006 HEARING BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding MAJMOD 2005-28, Anderson Park PUD, was received, having been published in *The St. Augustine Record* on July 24, 2006.

Lindsay Haga, Chief Planner, gave the presentation, and stated the request was to add a service station, with retail facilities (Commercial Highway Tourist use), to the permitted uses of the PUD, as proposed on the Master Development Plan, providing for direct access to SR 16.

Anna Shea, Rogers Towers, 170 Malaga St.; Nicola Braun, engineer for the project with Connelly and Whicker; Sharon Johnson, with Racetrack Petroleum, the applicant; and Rich McGuire, from Rogers Towers, were present on behalf of the applicant.

(1:34 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/0 with Maguire absent, to enact Ordinance No. 2006-89, known as MAJMOD 2005-28, Anderson Park PUD, adopting findings of fact one through six to support the motion.**

ORDINANCE NO. 2006-89

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE ANDERSON PARK (PUD)
ORDINANCE NUMBER 1996-66, AS AMENDED,
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING FOR AN
EFFECTIVE DATE

(08/08/06 - 23 - 4:50 p.m.)

20. PUBLIC HEARING - MAJMOD 2006-04, VILLAGES OF VALENCIA (AKA CAMELOT VILLAGE) - THIS REQUEST SEEKS TO MODIFY THE EXISTING PUD (CAMELOT VILLAGE) BY INCREASING THE NUMBER OF SINGLE-FAMILY UNITS FROM 173 TO 296, DECREASING THE MULTI-FAMILY UNITS FROM 305 TO 154, REDUCING THE MINIMUM LOT SIZE TO 5,040 SQ FT; RELOCATING THE TOWNHOME UNITS TO PARCEL A OF THE PUD, CHANGING THE MINIMUM SIDE YARD SETBACK TO FIVE (5) FEET AND THE FRONT YARD SETBACK TO TWENTY (20) FEET; AND MODIFYING THE PHASING SCHEDULE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM DURING THE JULY 6, 2006 HEARING, BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding MAJMOD 2006-04, Villages of Valencia aka Camelot Village, was received, having been published in *The St. Augustine Record* on July 24, 2006.

Lindsay Haga, Chief Planner, presented this item. Bryant, Rich and Maguire disclosed having ex parte communication with Anna Shea; Stern and Stevenson disclosed having ex parte communication with Ms. Shea and Mr. Woods regarding the reduction of units in the modification.

(4:54 p.m.) Anna Shea, 170 Malaga St., representing the applicant, outlined the proposed changes to the PUD, and displayed a map of Parcel B.

(4:54 p.m.) Jonathan Wardle, 4540 Southside Blvd., Jacksonville, owner and applicant, explained that after they did some market research they discovered that single-family would be more viable in the marketplace.

(4:56 p.m.) Robert Martin, 776 Viscaya Blvd., stated that he was concerned that Viscaya Boulevard would become a secondary road for this development.

(4:58 p.m.) Rich displayed the General Location Map to illustrate the route of Viscaya Boulevard. Commissioner Stevenson left the meeting. Stern read language to explain the access plan.

(5:08 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stevenson absent, to enact Ordinance No. 2006-95, known as MAJMOD 2006-04, Villages of Valencia, adopting findings of fact one through six to support the motion.**

ORDINANCE NO. 2006-95

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE VILLAGES OF VALENCIA PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 1997-49, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(5:09 p.m.) Commissioner Stevenson returned to the meeting.

(08/08/06 - 24 - 5:09 p.m.)

21. PUBLIC HEARING - MAJMOD 2006-17, SEAVIEW LANDING PUD - THE SEAVIEW LANDING PUD WAS APPROVED IN 2002 AS THE REGIS PINES PUD, MODIFIED IN 2004 TO ADD 330 MULTI-FAMILY UNITS, RENAMING THE PROJECT TO SEAVIEW LANDING PUD. THIS MAJOR MODIFICATION PROPOSES TO REDUCE THE AMOUNT OF DWELLING UNITS FROM 330 TO 202 AND INCREASE THE AMOUNT OF WETLAND PRESERVATION. AS A RESULT OF THE DECREASE IN DWELLING UNITS THE RECREATION AREA, PARKING, AND INTERNAL TRAFFIC CIRCULATION HAS CHANGED. THERE IS ONE MODIFIED WAIVER REQUEST TO ALLOW A REDUCTION IN THE 25' UPLAND BUFFER SETBACK FOR BUILDINGS SIX, SEVEN AND EIGHT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM DURING THE JULY 20, 2006 HEARING BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding MAJMOD 2006-17, Sea View Landing PUD, was received, having been published in *The St. Augustine Record* on July 24, 2006.

Lindsay Haga, Chief Planner, presented the item, and explained that she had distributed revised text to address the access to a key component of the utilities along SR 207.

(5:11 p.m.) Peter King, 8936 Western Way, Jacksonville, applicant, explained the reduction in the number of units and the waiver requests.

(5:12 p.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-96, known as Major Modification 2006-17, Sea View Landing, adopting findings of fact 1 through 6 to support the motion, and including the waivers to Lots 6, 7 and 8.**

ORDINANCE NO. 2006-96

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SEA VIEW LANDING

**PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE
NUMBER 2002-39, AS AMENDED BY ORDINANCE 2004-
19, MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING FOR AN
EFFECTIVE DATE**

(08/08/06 - 25 - 5:12 p.m.)

22. PUBLIC HEARING - MAJMOD 2005-36, JULINGTON CREEK DRI/PUD - THIS IS AN EXISTING PLANNED UNIT DEVELOPMENT WITHIN THE JULINGTON CREEK DEVELOPMENT OF REGIONAL IMPACT (DRI). THE MAJOR MODIFICATION WOULD REVISE THE MASTER DEVELOPMENT PLAN FOR SUB-PARCEL 5 OF PARCEL 42, JULINGTON CREEK PUD. PARCEL 42 - REQUEST TO CHANGE THE APPROVED MASTER DEVELOPMENT PLAN USE FROM RESTAURANT USE TO A MINOR AUTO SERVICE CENTER CONTAINING EIGHT VEHICLE BAYS ON THE 2.09 ACRE SUB-PARCEL 5 OF THE LARGER PARCEL 42. THE PLANNING AND ZONING AGENCY VOTED TO RECOMMEND DENIAL OF THIS ITEM AT THE JUNE 15, 2006 MEETING. DURING THE HEARING, QUESTIONS WERE RAISED OVER THE TYPE OF SERVICE, HOURS OF OPERATION, LOCATION OF AIR COMPRESSORS, OVER OPERATIONS I.E. INQUIRING IF THE BAYS WOULD BE CLOSED WHEN WORKING ON VEHICLES, AND OVER THE VINYL FENCE ALONG THE BACK PROPERTY LINE. ROBITZCH/BENNETT RECOMMENDED APPROVAL FOR THE SIX FINDINGS OF FACT, PLUS AN ADDITIONAL FINDING REQUIRING THAT MECHANICAL PNEUMATIC EQUIPMENT BE LOCATED INDOORS. AGENCY DISCUSSION: NELSON STATED THAT THE USE IS NOT APPROPRIATE FOR THE AREA, AND MORE BUFFERING SHOULD BE REQUIRED; SHEPHERD CONCURRED WITH NELSON, STATING THE USE IS NOT COMPATIBLE WITH THE AREA, BEING TOO INTENSE; GRAYSON STATED TOTAL NUMBER OF CAR BAYS IS TOO INTENSE FOR THE SITE. MOTION FAILED BY TECHNICAL DENIAL OF SPLIT VOTE: 3/3

Proof of publication for the notice of public hearing regarding MAJMOD 2005-36, Julington Creek DRI/PUD, was received, having been published in *The St. Augustine Record* on July 24, 2006.

Lindsay Haga, Chief Planner, presented this item, and stated that she distributed a revised MDP map to show the parcel and footprint, including the landscaping standards. She also reviewed the details of the PZA's actions. Adjacent property owner response forms were also submitted for the record.

(5:17 p.m.) John Metcalf, 245 Riverside Ave., Jacksonville, representing the applicant, displayed a site plan to illustrate the proposed project, including 20 foot landscape buffers and masonry walls. He outlined the services that would be offered, specified that there would be no outside services or storage, and that the air compressor would be located inside a concrete block structure, inside the building to reduce noise. Discussion ensued on the number of bays being requested and the amount of revenue generated from tire sales. Bryant questioned the number of complaints received on a similar business in the Fairfield PUD. (5:26 p.m.) Teresa Bishop, Planning Director, explained that initially there were some complaints, but they had been resolved.

(5:26 p.m.) Metcalf submitted two letters of support for the record and commented on the hours of operation. Maguire disclosed having ex parte discussions regarding the set backs, noise and parking with Metcalf and the Tuffy representatives. Metcalf disclosed that he had ex parte discussions with all of the commissioners, with the exception of

Bryant. Discussion ensued on the steps being taken to reduce noise and the hours of operation. (5:34 p.m.) Commissioner Stern left the meeting.

(5:35 p.m.) Frank Lynch, 900 Country Bridge Rd., St. Johns, spoke in opposition to the rezoning request.

(5:48 p.m.) Robert Bugbee, 170 Southern Bridge Blvd., St. Johns, stated that he was satisfied with what was being proposed, but was concerned about noise.

(5:53 p.m.) Metcalf explained the buffering along the retention pond and outlined the commitments the applicant was willing to make: *To limit the hours operation to 7 a.m. to 8 p.m. Monday to Friday, 7a.m. to 5 p.m. on Saturday, and 10 a.m. to 4 p.m. on Sunday; to keep the south bay doors closed while working; there would be no outdoor storage; there would be no outdoor auto repairs or auto service; to locate the air compressor inside an insulated block structure inside the building, and to cause the existing fence to be repaired prior to certificate of occupancy.*

(6:05 p.m.) Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to enact Ordinance No. 2006-97, known as Major Modification 2005-36, Julington Creek Plantation PUD, including the conditions provided by the applicant to be recorded on the site plan, adopting findings of fact one through six to support the motion.

ORDINANCE NO. 2006-97

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO THE JULINGTON CREEK
PLANTATION PLANNED UNIT DEVELOPMENT (PUD)
ORDINANCE NUMBER 82-14, AS AMENDED, MAKING
FINDINGS OF FACT; REQUIRING RECORDATION;
AND PROVIDING FOR AN EFFECTIVE DATE**

The meeting recessed at 6:06 p.m. and reconvened at 6:17 p.m.

(08/08/06 – 26 – 6:17 p.m.)

22A. DISCUSSION OF HERNADO COUNTY RESOLUTION ENCOURAGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION IN RESPONSE TO THE INSURANCE CRISIS IN FLORIDA

Dan Bosanko, County Attorney, explained that Hernando County had adopted a resolution encouraging the Florida legislature to hold a special session addressing the insurance crisis in Florida. They requested that St. Johns County adopt a similar resolution. Discussion followed. (6:21 p.m.) **Motion by Bryant, seconded by Stevenson, carried 4/0 with Stern absent, to adopt Resolution No. 2006-273.**

RESOLUTION NO. 2006-273

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ENCOURAGING THE FLORIDA LEGISLATURE TO
CALL A SPECIAL SESSION TO STUDY AND ENACT
LEGISLATION ADDRESSING THE INSURANCE
CRISIS IN FLORIDA**

(08/08/06 – 26 – 6:22 p.m.)

COMMISSIONERS' REPORTS

Commissioner Maguire:

No report.

Commissioner Stevenson:

Stevenson reported that she attended the Northeast Florida Chapter of Associated Builders and Contractors award gala, at which the Bartram Park project received two awards.

Commissioner Rich:

No report.

(6:24 p.m.)

Commissioner Bryant:

Bryant requested that Bosanko remind the PZA of their role/requirements in providing recommendations to the BCC; discussion ensued.

Bryant stated that the League of Women Voters requested to change the date that they were to use the auditorium for a forum from Wednesday, August 23, to Monday, August 21, 2006. (6:29 p.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to grant the League of Women Voters use of the auditorium for Monday August 21st, for their political forum.**

Bryant stated that he received a request for a proclamation supporting the air boater's efforts in New Orleans after hurricane Katrina.

Bryant asked for suggestions on how to handle the voting for filling the county attorney position. It was decided that each commissioner would select three names from the pool of applicants, then, take another vote from the applicants who received at least two votes.

(08/08/06 - 27 - 6:44 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reported that the St. Augustine Beach Civic Association was holding its Meet the Candidates forum tonight. They requested to air the event on GTV. *Consensus was given to air the forum.*

Adams stated that September 5th was an election day, as well as a regular BCC meeting day. He said that he would keep the agenda light. He also reminded the Board that the 9th Annual Regional Cooperation Summit was scheduled for tomorrow at the World Golf Village: this year's topic would be workforce housing.

(08/08/06 - 27 - 6:47 p.m.)

CLERK OF COURTS' REPORT

No report.

(08/08/06 - 27 - 6:47 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko handed out a list of duties for the attorneys in his office. Bosanko also addressed the hearing procedures for extending the moratorium at Summer Haven. He explained that two land use cases were appealed to the circuit court, one of which was Toll Brothers. They indicated that they would like to mediate the case: the Board declined to mediate.

(6:51 p.m.) Bosanko explained that Wachovia Bank, which handled the Board's bond record keeping systems, sold that part of their business to US Bank. They needed the Board's consent to transfer this function to US Bank, under the same terms of the contract with Wachovia Bank. He requested approval to have the county administrator sign the document. *Consensus was given.*

(6:52 p.m.) Stevenson stated that the Visitors Convention Bureau did a report on the Meridian Group's performance, found it lacking, and issued a letter urging them to improve performance. Maguire requested that Glen Hasting update the Board on the situation.

(6:54 p.m.) Bosanko reported that he would be teaching a class on administrative law at Flagler College on Monday evenings.

(6:56 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Stern absent, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 6:56 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, Check No. 387583, totaling \$108,390.84 (07/18/06)
2. St. Johns County Board of County Commissioners' Check Register, Check No. 387584 through 387613, totaling \$55,532.77 (07/20/06)
3. St. Johns County Board of County Commissioners' Check Register, Check No. 387614 through 388044, totaling \$3,391,448.67 (07/25/06)
4. St. Johns County Board of County Commissioners' Check Register, Check No. 388045, totaling \$30.00 (07/26/06)
5. St. Johns County Board of County Commissioners' Check Register, Check No. 388046, totaling \$14,968.22 (07/27/06)

CORRESPONDENCE:

1. Letter to Greg Lechwar, Ring Power Corporation, regarding the original Third Amended Economic Development Grant Agreement (07/19/06)
2. Letter to Cynthia Vogt, St. Johns River Water Management District, regarding a Conservation Easement (07/19/06)
3. Letter to Max Royle, City Manager, City of St. Augustine Beach, regarding the Interlocal Agreement for Off-Beach Parking and Restrooms (07/26/06)

Approved September 5, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Robert L. Paeff
Deputy Clerk