

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 5, 2006
(9:00 A.M.)**

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

Present were: James E. Bryant, District 5, Chairman
Cyndi Stevenson, District 1, Vice Chair
Karen R. Stern, District 2
Ben Rich, District 3
Bruce A. Maguire, District 4
Ben W. Adams, Jr., County Administrator
Dan Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court, Michael Hunt, Deputy County Attorney

(09/05/06 - 1 - 9:03 a.m.)
CALL TO ORDER

Bryant called the meeting to order.

(09/05/06 - 1 - 9:03 a.m.)
ROLL CALL

Bryant stated that all five commissioners were present.

(09/05/06 - 1 - 9:03 a.m.)
Stern gave the invocation and Rich led the Pledge of Allegiance.

(09/05/06 - 1 - 9:04 a.m.)
PUBLIC COMMENT

There was no public comment.

(09/05/06 - 1 - 9:04 a.m.)
DELETIONS TO CONSENT AGENDA

Hunt requested to pull Items 15 and 16, to be rescheduled at a later time.

(09/05/06 - 1 - 9:05 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
07/25/06 - BCC Regular Meeting

3. Sheriff's Office Bonds:
Cancel: Jason Braughton Frank M. Samec Donna Miller
Steve Bailey
4. Motion to establish October 3, 2006 at 5:30 p.m. and October 17, 2006 at 9:00 a.m. as public hearing dates to consider amendments to the Land Development Code
5. Motion to schedule public hearings for October 3, 2006 at 5:30 p.m. and October 17, 2006 at 9:00 a.m. to consider an amendment to Article IV, Section 4.01.06.C of the Land Development Code related to the criteria to apply when reviewing the upland buffer
6. Motion to adopt **Resolution No. 2006-291**, approving the terms and conditions of an amendment to a contract between St. Johns County, Florida, and EPIC Community Services, for the provision of services through the Drug Court Program; and authorizing the chairman of the Board of County Commissioners of St. Johns County to execute the amendment to the contract, on behalf of the County

RESOLUTION NO. 2006-291

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND EPIC COMMUNITY SERVICES FOR THE DRUG COURT PROGRAM, AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

7. Motion to adopt **Resolution No. 2006-292**, accepting the terms of the amendment to the contract between the St. Johns County Board of County Commissioners and the Florida Department of Juvenile Justice; and authorizing the county administrator to execute the amendment on behalf of the County

RESOLUTION NO. 2006-292

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT TO THE CONTRACT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND FLORIDA DEPARTMENT OF JUVENILE JUSTICE

8. Motion to adopt **Resolution No. 2006-293**, approving the 2006-2007 Non-Ad Valorem Assessment Rolls and Annual Assessment Rates for Private Road Grading MSBUs and Right-of-Way MSBUs; and to authorize the Chairman to certify and deliver the 2006 assessment rolls to the St. Johns County Tax Collector

RESOLUTION NO. 2006-293

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE 2006-2007 NON-AD VALOREM ASSESSMENT ROLLS AND ANNUAL ASSESSMENT RATES FOR PRIVATE ROAD GRADING MUNICIPAL SERVICE BENEFIT UNITS AND RIGHT-OF-WAY MUNICIPAL SERVICE BENEFIT UNITS AND AUTHORIZING THE CERTIFICATION OF SAID ASSESSMENT ROLLS TO THE ST. JOHNS COUNTY TAX COLLECTOR BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

9. Motion to adopt **Resolution No. 2006-294**, approving the terms and conditions of the agreement with the tax collector for the collection of the non-ad valorem assessments and related administrative costs for the Deerwood Lane ROW MSBU; and authorizing the chairman of the board of county commissioners to execute said agreement

RESOLUTION NO. 2006-294

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE TAX COLLECTOR AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

10. Motion to adopt **Resolution No. 2006-295**, accepting an Easement for Utilities for water and sewer service to Mariners Way Plaza, located off of US 1 South; and authorizing the county administrator to execute the easement

RESOLUTION NO. 2006-295

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARINERS WAY PLAZA AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE EASEMENT

11. Motion to adopt **Resolution No. 2006-296**, approving the terms of a License Agreement authorizing use of a portion of County owned property on Old Moultrie Road; and authorizing the county administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2006-296

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 COUNTY

**OWNED PROPERTY ON OLD MOULTRIE ROAD AND
AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE THE AGREEMENT ON BEHALF OF THE
COUNTY**

12. Motion to adopt **Resolution No. 2006-297**, approving the terms of, and authorizing the county administrator to execute, a certain memorandum of agreement and understanding between W.S. Kennedy and St. Johns County for a County Park site, museum, and wildlife preserve

RESOLUTION NO. 2006-297

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN MEMORANDUM OF AGREEMENT AND UNDERSTANDING BETWEEN W.S. KENNEDY AND ST. JOHNS COUNTY FOR A COUNTY PARK SITE, MUSEUM AND WILDLIFE PRESERVE

13. Motion to adopt **Resolution No. 2006-298**, approving the 2006-2007 the Non-Ad Valorem Assessment Rolls and Annual Assessment Rates for the Solid Waste MSBU; and to authorize the chairman to certify and deliver the 2006 assessment rolls to the St. Johns County tax collector

RESOLUTION NO. 2006-298

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE 2006-2007 NON-AD VALOREM ASSESSMENT ROLLS AND ANNUAL ASSESSMENT RATES FOR THE SOLID WASTE MUNICIPAL SERVICE BENEFIT UNITS AND AUTHORIZING THE CERTIFICATION OF SAID ASSESSMENT ROLLS TO THE ST. JOHNS COUNTY TAX COLLECTOR BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

14. Motion to adopt **Resolution No. 2006-299**, approving the 2006-2007 Non-Ad Valorem Assessment Roll for the Ponte Vedra Wastewater Vacuum Sewer Project, pursuant to Resolution 2002-245; and authorizing the chairperson to certify and deliver the 2006-2007 Assessment Roll to the St. Johns County tax collector

RESOLUTION NO. 2006-299

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING ASSESSMENT ROLLS FOR VARIOUS ASSESSMENT AREAS ESTABLISHED PURSUANT TO ORDINANCE NO. 2002-55; ESTABLISHING THE LIEN ASSOCIATED THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ST. JOHNS COUNTY TAX COLLECTOR; PROVIDING FOR

**CONFLICTS; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE**

15. Motion to adopt a resolution approving a final plat for Murabella Unit Four

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

16. Motion to adopt a resolution approving a final plat for Murabella Unit Five

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

17. Motion to adopt **Resolution No. 2006-300**, approving a final plat for Guana Landing

RESOLUTION NO. 2006-300

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

18. Motion to adopt **Resolution No. 2006-301**, restating the adopting of the Administration Code Procedures, pertaining to the Emergency Conditions Pay Plan; and repealing and replacing Resolution 99-47

RESOLUTION NO. 2006-301

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
RESTATING THE ADOPTING AND RESTATING THE
ADMINISTRATIVE CODE PROCEDURES PERTAINING
TO THE EMERGENCY CONDITIONS PAY PLAN;
REPEALING AND REPLACING RESOLUTION 99-47**

19. Motion to approve the use of Tree Bank funds in the amount of \$17,550 to be used for the purchase of trees for the Animal Control Facility
20. Motion to declare the attached list of items as surplus and authorize staff to sell by auction. Items for which no bid is received and serve no useful function or have no commercial value will be donated, sold for scrap or transferred to the landfill

(09/05/06 - 5 - 9:05 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Bryant requested to add an item for discussion relating to budget as Item 8a. Rich requested that Item 8 be rescheduled to the next scheduled meeting, because the item may be lengthy. Maguire replied that he would like to hear it today and not carry it forward. (9:07 a.m.) *It was the consensus of the Board, with Rich opposed, to leave the item on the agenda.*

(09/05/06 - 5 - 9:07 a.m.)

APPROVAL OF THE REGULAR AGENDA

Motion by Stern, seconded by Maguire, carried 4/1 with Rich opposed, to approve the Regular Agenda as amended.

(09/05/06 - 6 - 9:08 a.m.)

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

Melissa Lundquist, Administrative Coordinator, reviewed this item. (9:09 a.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to reappoint Vivian Browning to the North Coastal Corridor Design Review Board for a full four-year term, scheduled to expire September 5, 2010. Motion by Stern, seconded by Bryant, carried 5/0, to reappoint Ron Horst to the North Coastal Corridor Design Review Board for a full four-year term, scheduled to expire September 5, 2010. Motion by Rich, seconded by Bryant, carried 5/0, to appoint Jim Lucas to the North Coastal Corridor Design Review Board for a full four-year term, scheduled to expire September 5, 2010. Motion by Maguire, seconded by Rich, carried 5/0, to appoint Sandra Johnson to the North Coastal Corridor Design Review Board for a full four-year term, scheduled to expire September 5, 2010. Motion by Rich, seconded by Stern, carried 5/0, to appoint Irene Kaufman to the North Coastal Corridor Design Review Board for a full four-year term, scheduled to expire September 5, 2010.**

(9:11 a.m.) Dan Bosanko asked to be excused for the rest of the day due to medical reasons. Patrick McCormack entered the meeting.

(09/05/06 - 6 - 9:12 a.m.)

2. PUBLIC HEARING - JACKMAN REPLACEMENT HOUSE WAIVER REQUEST FOR BALD EAGLE NEST SJ-010

No proof of publication was received for this public hearing. Jan Brewer requested that the Board move to Item 3 to give her time to check on the advertising. The meeting moved to Item 3.

(10:03 a.m.) Subsequently, Jan Brewer reported that this item was not properly noticed. She spoke to the applicant and requested that this item be pulled. She stated that they would notice and reschedule for the September 19th meeting. (10:03 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to pull and reschedule this item for September 19th.**

The meeting moved to Item 8a.

(09/05/06 - 6 - 9:13 a.m.)

3. PUBLIC HEARING - REZ 2006-16, KARSAM OFFICES REZONING - THIS IS A REQUEST TO REZONE 2.58 ACRES OF LAND FROM OPEN RURAL (OR) TO OFFICE & PROFESSIONAL TO ALLOW 20,000 SQUARE FEET OF OFFICE SPACE. THIS PROPERTY IS LOCATED AT 2395 OLD MOULTRIE ROAD. THE PROPERTY HAS MIXED USE DISTRICT (MD) LAND USE AS DEPICTED ON 2015 FUTURE LAND USE MAP. CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. ADJACENT ZONINGS ARE PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 20, 2006 HEARING BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding REZ 2006-16, Karsam Offices Rezoning, was received, having been published in *The St. Augustine Record* on August 21, 2006.

Michael Blackford, Planner II, reviewed this item. Maguire asked if there was adequate concurrency for this project. Blackford replied yes. (9:15 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance 2006-103, known as REZ 2006-16, Karsam Offices, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2006-103

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

(09/05/06 - 7 - 9:16 a.m.)

4. PUBLIC HEARING - PRD 2006-03, ASHTON DOWNS PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 103.72 ACRES LOCATED ON COUNTY ROAD 13A, SOUTH OF ITS INTERSECTION WITH COUNTY ROAD 208, IN THE SOUTHWEST PART OF THE COUNTY FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF 20 SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 90/10% RULE FOR DENSITY: THE DEVELOPMENT AREA EQUALS 10.20 ACRES AND THE RESERVE AREA EQUALS 93.60 ACRES. LOTS WILL RANGE IN SIZE FROM A MINIMUM OF TWO AND ONE-HALF (2½) ACRES UP TO TEN ACRES AND DEVELOPMENT AREAS WITHIN THE LOTS WILL BE A MINIMUM OF ONE QUARTER ACRE (10,890 SQ. FT.) IN SIZE. THE TOTAL BUILDING COVERAGE WITHIN THE DEVELOPMENT AREAS SHALL NOT EXCEED THIRTY-FIVE PERCENT. THE RESERVE AREA WILL BE OWNED BY INDIVIDUAL LOT OWNERS. ALLOWED USES WITHIN THE RESERVE AREA INCLUDE FARMING, PASTURE FOR FARM ANIMALS (INCLUDING HORSES) AND THE STORAGE OF AGRICULTURAL AND SILVICULTURAL PRODUCTS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS MODIFICATION AT THEIR MAY 18, 2006 MEETING, BY A VOTE OF 6/0

Proof of publication for the notice of public hearing regarding PRD 2006-03, Ashton Downs PRD, was received, having been published in *The St. Augustine Record* on August 21, 2006.

Michael Blackford, Planner II, reviewed this item. Rich asked about the staff objecting to the waiver. Blackford responded that staff did object to the waiver. Stern questioned the entrance into the development and the intersection. Blackford responded. Stevenson spoke on resolving transportation concerns. Maguire spoke on bike paths and speed limits. Patrick McCormack spoke on intersections, speed limits and sidewalks.

(9:29 a.m.) Sam Carstens, 5500 Phillips Highway, Jacksonville, asked to temporarily defer this item until Karen Taylor arrived because she was representing them. Bryant stated that they would continue this item until later in the morning.

(9:40 a.m.) Subsequently, Karen Taylor, 3070 Harbor Drive, stated that there were only five lots that they were accessing. Stern voiced her concern on the right turn, coming south on 13A accessing Ashton.

(9:42 a.m.) Glynn Taylor, 8936 Western Way, Suite 190, Jacksonville, applicant, spoke on access into the development. (9:46 a.m.) McCormack suggested adding into the PRD language, "The applicant shall provide intersection improvements and traffic signage, if any, as reasonably determined by County staff during development review." (9:47 a.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance 2006-106, known as PRD 2006-03, Ashton Downs PRD, with the waiver adopting findings of fact 1 through 5 to support the motion, and with the additional text per McCormack's earlier statement.**

ORDINANCE NO. 2006-106

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 PLANNED RURAL DEVELOPMENT (PRD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting moved to Item 7.

(09/05/06 - 8 - 9:30 a.m.)

5. PUBLIC HEARING - PRD 2006-04, MARSH HARBOR SOUTH PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 703.5 ACRES LOCATED SOUTH OF PALM VALLEY ROAD, JUST WEST OF THE INTERCOSTAL WATERWAY FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF 68 SINGLE-FAMILY RESIDENTIAL UNITS. LOTS WILL BE A MINIMUM OF 9,000 SQUARE FEET. THE TOTAL BUILDING COVERAGE WITHIN THE DEVELOPMENT AREAS SHALL NOT EXCEED FORTY-FIVE PERCENT. INDIVIDUAL LOTS WILL BE COMPRISED ONLY OF DEVELOPMENT AREA. AN AVERAGE 50-FOOT BUFFER HAS BEEN PROVIDED BETWEEN THE INTERCOASTAL WATERWAY AND THE DEVELOPMENT AREA OF THE PRD, OTHER BUFFERS WILL INCLUDE A 25 FOOT UPLAND BUFFER ADJACENT TO WETLANDS, A 50 FOOT BUFFER BETWEEN THE DEVELOPMENT AREAS AND THE RESERVES AREAS AND A 10 FOOT PERIMETER BUFFER AROUND THE PROJECT PERIMETER. A FOUR-FOOT SIDEWALK HAS BEEN PROVIDED ALONG ONE SIDE OF THE INTERNAL ROADS. WATER AND SEWER WILL BE PROVIDED BY JEA UTILITIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS APPLICATION AT THEIR AUGUST 3, 2006 MEETING BY A VOTE OF 7/0

Proof of publication for the notice of public hearing regarding PRD 2006-04, Marsh Harbor South PRD, was received, having been published in *The St. Augustine Record* on July 17, 2006.

Lindsey Haga, AICP, Chief Planner, reviewed this item, stating that Items 5 and 6 would be heard together, but would need to be voted on separately. She stated that there were no waivers or objections to this request. Maguire applauded the staff for doing a good job on this item. Rich asked about the reserve area. Haga responded.

(9:37 a.m.) Kathryn Whittington, 2945A Kings Road, also applauded the staff on doing a good job and spoke on the reserve area. (9:39 a.m.) **Motion by Stevenson, seconded by**

Stern, carried 5/0, to enact Ordinance 2006-104, known as PRD 2006-04, Marsh Harbor PRD, adopting findings of fact 1 through 5 to support the motion.

ORDINANCE NO. 2006-104

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 PLANNED RURAL DEVELOPMENT (PRD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(09/05/06 - 9 - 9:39 a.m.)

6. PUBLIC HEARING - MAJMOD 2006-18, MARSH HARBOR PUD - THE EXISTING MARSH HARBOR PUD PROPOSES TO PROVIDE AN ACCESS FOR THE ADJACENT PROJECT, MARSH HARBOR SOUTH PRD, BY LOTS 63 AND 69. NO OTHER CHANGES ARE REQUESTED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR AUGUST 3, 2006 MEETING, BY A VOTE OF 7/0. THIS ITEM WAS HEARD IN CONJUNCTION WITH THE PROPOSED MARSH HARBOR PLANNED RURAL DEVELOPMENT TO EXPLAIN THE ACCESS REQUEST

Proof of publication for the notice of public hearing regarding MAJMOD 2006-18, Marsh Harbor PUD, was received, having been published in *The St. Augustine Record* on July 17, 2006.

Motion by Stern, seconded by Rich, carried 5/0, to enact Ordinance 2006-105, known as MAJMOD 2006-18, Marsh Harbor PUD, adopting findings of fact 1 through 6 to support the motion.

ORDINANCE NO. 2006-105

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MARSH HARBOR (PUD) ORDINANCE NUMBER 97-10, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting returned to Item 4.

(09/05/06 - 9 - 9:47 a.m.)

7. PUBLIC HEARING - MAJMOD 2006-03, FIRST GUARANTY BANK JULINGTON CREEK DRI/PUD - THIS IS A MAJOR MODIFICATION TO REVISE THE JULINGTON CREEK PLANTATION PUD FOR PARCEL 42, SPECIFICALLY SUB-PARCEL 2. THE APPLICANT PROPOSES TO SWITCH USES ON THE SUB-PARCEL FROM A RESTAURANT TO A BANK WITH DRIVE THROUGH TELLER LANES. BOTH USES ARE ALLOWED UNDER THE EXISTING PUD PROVISIONS FOR COMMERCIAL GENERAL (CG) USES. THE MODIFICATION IS REQUIRED TO MODIFY THE ADOPTED MASTER DEVELOPMENT PLAN THAT SPECIFICALLY DESIGNATED THE USE ON THIS SUB-PARCEL. THE PLANNING AND ZONING AGENCY HEARD THIS

ITEM DURING THE AUGUST 3, 2006 MEETING AND RECOMMENDED APPROVAL OF THE REQUEST BY A VOTE OF 7/0

Proof of publication for the notice of public hearing regarding MAJMOD 2006-03, First Guaranty Bank Julington Creek DRI/PUD, was received, having been published in *The St. Augustine Record* on August 21, 2006.

Lindsay Haga, AICP, Planner III, reviewed this item, stating that it was a straightforward major modification request to the PUD for parcel 42, specifically sub-parcel 2.

(9:49 a.m.) Michael Boyer, 1650 Prudential Drive, Suite 400, Jacksonville, stated that they were reducing the impact on that particular parcel by putting in a bank instead of a restaurant. Stevenson asked if there were any objections from the neighbors on Buttercup. Haga replied no. (9:50 a.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to enact Ordinance 2006-107, known as MAJMOD 2006-03, First Guaranty Bank Julington Creek Plantation PUD, adopting findings of fact 1 through 6 to support the motion.**

ORDINANCE NO. 2006-107

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

(09/05/06 - 10 - 9:51 a.m.)

8. PROPOSED POLICY CHANGE TO REDUCE ZONING DENSITY

Maguire reviewed this item, proposing looking into developing a policy to restrict the density. (9:53 a.m.) McCormack stated that he researched this issue and gave a summary of it. Bryant encouraged McCormack to meet with each commissioner to explore it.

(9:57 a.m.) Teresa Bishop, Growth Management Director, agreed with McCormack. She spoke on amendments and not reducing density in certain areas. Maguire spoke on density and growth and keeping capacity available. Maguire stated that he would like to have McCormack and Bishop get together, talk this over, meet with each commissioner individually, and bring it back before the Board at a workshop. Stern agreed with Maguire and asked McCormack to put what he said today in writing. She stated that she would like to talk about the pros and cons.

The meeting returned to Item 2.

(09/05/06 - 10 - 10:03 a.m.)

8a. DISCUSSION OF LETTERS REGARDING BUDGET CONCERNS

Bryant spoke on budget concerns created by an editorial that appeared in the newspaper. Stern also voiced concern regarding the editorial appearing in the newspaper and commended Doug Timms on his response. Stevenson stated that the newspaper article was one-sided and that Mr. Timms responded to it well. Maguire reviewed his concerns. Stern quoted from what Doug Timms wrote in his response to the editorial.

(09/05/06 - 11 - 10:14 a.m.)
COMMISSIONERS' REPORTS

Commissioner Stern:

Stern spoke on the new look workforce article on the front page of *The St. Augustine Record* on Monday, September 4th.

(10:17 a.m.)

Commissioner Maguire:

Maguire spoke on voting for elected officials.

(10:17 a.m.)

Commissioner Bryant:

Bryant spoke on engaging an attorney to defend himself from false accusations by a fellow Board member. He stated that he expected the County to pay his legal fees, but if the County did not he would pay his own fees. He asked the County Attorney's Office to check into it.

(10:18 a.m.)

Commissioner Stevenson:

Stevenson stated that she would like some recent rule changes on County staff's interaction with the political process placed on the agenda.

(10:19 a.m.)

Commissioner Rich:

Rich reported that the veteran's home was moving forward and they should have the groundbreaking soon.

(09/05/06 - 11 - 10:20 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams stated that he had a request from Stevenson to pull the county attorney contract on tomorrow's agenda and reschedule it to September 19th. Bryant stated that he would make the request tomorrow to pull it.

(09/05/06 - 11 - 10:20 a.m.)

CLERK OF COURT'S REPORT

No report.

(09/05/06 - 11 - 10:20 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

The meeting recessed at 10:21 a.m., and reconvened at 5:38 p.m., with all five commissioners; Michael Hunt, Deputy County Attorney; Ben Adams, County Administrator, and Deputy Clerk Robin Platt in attendance.

(09/05/06 - 11 - 5:38 p.m.)

9. PUBLIC HEARING - ADOPTION OF TENTATIVE MILLAGE RATES AND BUDGET FOR FY 2007 - FLORIDA STATUTES 129.03 AND 200.065 REQUIRE THE BOARD OF COUNTY COMMISSIONERS (BCC) TO ADOPT ITS MILLAGE RATES AND BUDGET FOR THE NEXT FISCAL YEAR (FY) AT A PUBLIC HEARING. THAT HEARING MUST BE HELD AFTER 5:00 PM IF SCHEDULED

ON A DAY OTHER THAN SATURDAY. THE SEPTEMBER 5, 5:30 PM HEARING DATE HAS BEEN NOTICED, AS REQUIRED, IN THE RECENT MAILING OF NOTICES OF PROPOSED PROPERTY TAXES (TRIM) BY THE COUNTY'S PROPERTY APPRAISER. FLORIDA STATUTES PRESCRIBE A SPECIFIC ORDER FOR THE CONSIDERATION OF ITEMS AT THE PUBLIC HEARING. THE FIRST SUBSTANTIVE ISSUE OF DISCUSSION MUST BE THE PERCENTAGE INCREASE IN THE COUNTY'S AGGREGATE MILLAGE RATE OVER THE ROLLED-BACK RATE. THE ROLLED-BACK RATE IS DEFINED AS THE AGGREGATE MILLAGE RATE THAT WOULD GENERATE THE SAME LEVEL OF PRIOR YEAR TAX REVENUES LESS CERTAIN DEFINED ALLOWANCES, SUCH AS NEW CONSTRUCTION. THE PERCENTAGE INCREASE FOR FY 2007 IN THE COUNTY'S AGGREGATE MILLAGE RATE OVER THE ROLLED-BACK RATE IS 19.75%. INCLUDED IN THE DISCUSSION MUST BE THE SPECIFIC PURPOSES FOR WHICH THE AD VALOREM TAX REVENUES ARE BEING INCREASED OVER THE ROLLED-BACK RATE. THE GENERAL PUBLIC SHALL BE ALLOWED TO SPEAK AND TO ASK QUESTIONS PRIOR TO ADOPTION OF ANY MEASURES BY THE BCC. THE BCC SHALL ADOPT, BY RESOLUTION, ITS TENTATIVE MILLAGE RATES PRIOR TO ADOPTING ITS TENTATIVE BUDGET FOR FY 2007. THE BCC WILL ALSO NEED TO ESTABLISH A DATE, TIME AND PLACE OF A PUBLIC HEARING FOR ITS FINAL MILLAGE AND BUDGET ADOPTION. IT IS RECOMMENDED THAT THE BCC ESTABLISH TUESDAY, SEPTEMBER 19, 2006 AT 5:30 PM IN THE COUNTY AUDITORIUM FOR ITS FINAL HEARING

Doug Timms, Director of the Office of Management and Budget, explained the order of items to be addressed, defined the rolled-back rate, and explained that the percentage increase over the rolled-back rate was 19.7526% this year, which equated to \$25,358,367.

(5:43 p.m.) Mike Mc Quiston, 216 Rivers Edge Rd S., commented on increases in the budget and ad valorem taxes: Stevenson and Rich followed up with comments.

(5:59 p.m.) Carl Kumpf, 7830 A1A South, Crescent Beach, spoke on the Fire Services' and Sheriff's budgets and employee healthcare costs, with Bryant and Rich making follow up comments.

(6:13 p.m.) Pamela Kessler, 1136 Salt Creek Dr., President of the Ponte Vedra Athletic Association, spoke on funding for community centers and swimming pools; discussion ensued with Stevenson and Stern commenting.

(6:21 p.m.) Joe Narby, 2651 CH Arnold Rd., commented on the Sheriff's budget, healthcare costs and other aspects of the budget; Maguire and Stern made follow up comments.

(6:32 p.m.) Nilda Rockey, 2337 Plantation Lake Dr., commented on budget increases.

(6:34 p.m.) Diane Jacobsen, 965 Spinnakers Reach, Ponte Vedra Beach, spoke on tax increases and budgeting. Stevenson followed up with comments on statewide taxes.

(6:45 p.m.) Timms announced the name of the taxing authority: St. Johns County; the rolled-back rate: 5.8119 mills; the percentage increase in property taxes over the rolled-back rate: 19.7526%; and the tentative aggregate millage rate: 6.9599.

(6:46 p.m.) **Motion by Bryant, seconded by Stevenson, carried 4/1 with Rich opposed, to adopt Resolution No. 2006-302, as follows:**

RESOLUTION NO. 2006-302

RESOLVED, that the following **TENTATIVE MILLAGE RATE** is hereby set by the Board of County Commissioners of St. Johns County, Florida, for all property in St. Johns County, as of January 1, 2006.

| | |
|--|----------|
| General Fund | 4.9275 |
| County Transportation Trust Fund | .900 |
| County Health Unit Trust Fund | .020 |
| Fire District, County-wide Except City of St. Augustine | 1.200 |
| Vilano Street Lighting District | .069 |
| St. Augustine South Street Lighting District | .158 |
| Julington Creek Municipal Service District | .000 |
| AGGREGATE MILLAGE RATE | 6.9599 |
| Rolled-back Rate | 5.8119 |
| Percentage increase in Property Taxes over rolled-back rate: | 19.7526% |

(6:49 p.m.) **Motion by Stevenson, seconded by Stern, to adopt Resolution No. 2006-303, as follows:**

RESOLUTION NO. 2006-303

RESOLVED, that the following **FISCAL YEAR 2007 TENTATIVE BUDGET** of the Board of County Commissioners of St. Johns County, Florida, developed using the certified taxable value of \$22,090,021,586, generating an estimated \$153,743,363 in taxes, is hereby adopted, resulting in a total budget of \$732,076,297, as follows:

| | |
|---|---------------|
| General Fund | \$182,463,186 |
| Special Revenue Funds | |
| County Health Unit Trust Fund | \$451,717 |
| Court Facilities Trust Fund | \$1,276,089 |
| Building Services Fund | \$11,460,890 |
| Law Enforcement Trust Fund | \$72,792 |
| State Housing Init. Partnership (SHIP) Fund | \$4,991,478 |
| Mental Health Fund | \$4,939,637 |
| Community Based Care Fund | \$4,347,027 |
| Utility Authority Fund | \$337,746 |
| County Transportation Trust Fund | \$54,566,093 |
| Beach Services Fund | \$2,232,680 |
| County Pier Fund | \$193,035 |
| Tourist Development Tax Fund | \$7,206,991 |
| Tree Bank Fund | \$1,290,619 |
| Alcohol & Drug Abuse Trust Fund | \$13,097 |
| Communication Surcharge Fund | \$709,161 |
| Choose Life License Fund | \$14,587 |
| Driver's Safety Education Fund | \$226,723 |
| West Augustine CRA Fund | \$612,763 |

| | |
|--|--------------|
| Flagler Estates CRA Fund | \$805,642 |
| Vilano Beach CRA Fund | \$10,259,365 |
| Florida Boating Improvement Fund | \$769,805 |
| Housing Abatement Fund | \$84,123 |
| Impact Fee Funds | \$39,292,097 |
| Florida Arts License Plate Fund | \$27,162 |
| Davis Park Fund | \$154,914 |
| E-911 Communications Fund | \$1,048,013 |
| Fire District Fund | \$36,653,564 |
| Sidewalk Mitigation Fund | \$26,455 |
| World Commerce Center DRI Fund | \$50,790 |
| Vilano Street Lighting District Fund | \$67,881 |
| Elkton Drainage District Fund | \$30,969 |
| St. Augustine South Lighting District Fund | \$42,164 |
| Treasure Beach M.S.B.U. Fund | \$4,346 |
| Thompson Bailey Road M.S.B.U. Fund | \$19,489 |
| Private Roads M.S.B.U. Fund | \$22,955 |
| C. H. Arnold Road M.S.B.U. Fund | \$11,724 |
| Deerwood Lane M.S.B.U. Fund | \$9,578 |
| Rusty Anchor/Wendover Rd. M.S.B.U. Fund | \$3,631 |
| Northwest Tower Fund | \$129,793 |
| Crimes Prevention Trust Fund | \$72,148 |
| Court Innovation Fund | \$116,221 |
| Court Technology Fund | \$3,064,896 |
| Juvenile Alternative Programs Fund | \$45,250 |
| Legal Aid Fund | \$287,748 |
| Law Library Fund | \$91,316 |

Debt Service Funds

| | |
|--|-------------|
| Transportation Debt Service Fund | \$1,107,250 |
| 03 Transportation Improvement Debt Service | \$3,542,153 |
| 06 Transportation Improvement Debt Service | \$2,107,264 |
| Refunded Courthouse Debt Service Fund | \$1,543,131 |
| Ponte Vedra MSD Sewer Debt Service Fund | \$1,410,049 |
| Commercial Paper Debt Service Fund | \$5,554,005 |
| 04 Sales Tax Bonds Debt Service Fund | \$2,106,287 |
| 06 Sales Tax Bonds Debt Service Fund | \$3,575,763 |
| GE Capital Debt Service Fund | \$158,557 |
| 04 Flagler Estates CRA Debt Service Fund | \$148,712 |
| 05 Revenue Sharing Debt Service Fund | \$1,252,794 |

Capital Project Funds

| | |
|--------------------------------------|--------------|
| Northwest Road Project Fund | \$3,276,019 |
| Library Expansion Fund | \$85,000 |
| Park Projects Fund | \$4,949,692 |
| Recreation Projects Fund | \$1,995,964 |
| N. Holmes Blvd. Fund | \$541,846 |
| 03 Bond Transportation Projects Fund | \$2,966,507 |
| Detention Facility Lighting Fund | \$0 |
| 04 Sales Tax Bond Projects Fund | \$17,156,220 |
| Southeast Annex Construction Fund | \$2,450,000 |
| Transit System Capital Project Fund | \$3,049,897 |
| 05 Revenue Sharing Projects Fund | \$15,306,003 |
| 06 Bond Transportation Projects Fund | \$33,389,213 |
| 06 Sales Tax Bond Projects Fund | \$41,940,000 |

Enterprise Funds

| | |
|--|---------------|
| Solid Waste Fund | \$31,061,893 |
| St. Johns County Utility Services Fund | \$140,050,008 |
| Convention Center Fund | \$2,662,715 |

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|-----------------------------------|-------------|
| St. Johns County Golf Course Fund | \$2,659,170 |
| Amphitheater Fund | \$3,026,041 |
| Ponte Vedra Utility Fund | \$9,025,282 |

Internal Service Funds

| | |
|-----------------------------|--------------|
| Worker Compensation Fund | \$6,059,101 |
| Group Health Insurance Fund | \$17,193,103 |
| F.S.A - Medical | \$108,601 |
| F.S.A - Dependent | \$19,707 |

(6:50 p.m.) Maguire stated his objections to the budget; Stevenson also made comments on the budget. (6:52 p.m.) **The motion carried 3/2, with Maguire and Rich opposed.**

(6:53 p.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to set a public hearing on September 19, 2006 at 5:30 p.m. in the county auditorium to consider the adoption of the final millage rates and final budget for FY 2007.**

(6:53 p.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 6:53 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, Check No. 388696 through 389045, totaling \$2,832,689.38 (08/15/06)
2. St. Johns County Board of County Commissioners' Check Register, Check No. 389046 through 389075, totaling \$ 54,914.83 (08/17/06)
3. St. Johns County Board of County Commissioners' Check Register, Check No. 389076, totaling \$100,000.00 (08/18/06)
4. St. Johns County Board of County Commissioners' Check Register, Check No. 389079 through 389444, totaling \$3,698,060.32 (08/22/06)
5. St. Johns County Board of County Commissioners' Check Register, Check No. 389445, totaling \$387.59 (08/24/06)
6. St. Johns County Board of County Commissioners' Check Register, Check No. 389446, totaling \$152,058.50 (08/25/06)

CORRESPONDENCE:

1. Letter to Patricia DeGrande, Deputy Clerk, regarding an Interlocal Agreement for Off Beach Parking and Restrooms with the City of St. Augustine Beach (08/16/06)
2. Letter to Ben Adams, County Administrator, regarding the Annexation of Property by Ordinance 2006-18, City of St. Augustine (08/17/06)
3. Letter to Honorable Jeb Bush, Governor, regarding St. Johns County Resolution No. 2006-273 (08/23/06)
4. Letter to Thomas M. Fiorentino, Jr., regarding St. Johns County Resolution No. 2006-273 (08/23/06)
5. Letter to Pat Davis, Department of Environmental Protection, regarding Permit Issuance, File No. 55-246341-002-ES, the original executed Modification of Permit No. 55-246341-ES, and the recorded Conservation Easement authorized by Resolution No. 06-256 (08/25/06)
6. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Number 2006-98 through 2006-102 (08/25/06)

Approved _____ October 3 _____, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

