

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 17, 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
Darryl Locklear, Assistant County Administrator
Patrick McCormack, County Attorney
Terry Bulla, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(10/17/06 - 1 - 9:14 a.m.)
CALL TO ORDER

Bryant called the meeting to order.

(10/17/06 - 1 - 9:14 a.m.)
ROLL CALL

Bryant stated that all five commissioners were present.

(10/17/06 -1 - 9:15 a.m.)
Stern gave the Invocation and Rich led the Pledge of Allegiance.

(10/17/06 - 1 - 9:16 a.m.)
SPECIAL PRESENTATION BY THE HUTSON COMPANY

Don Hinson of the Hutson Company gave the presentation to donate 200 lots in the Armstrong Estates Subdivision for affordable housing. Stern accepted the donation on behalf of the Commission. Melinda Peoples, a leader in the Armstrong community, was also present on behalf of the community, to accept the donation. Stern noted that acceptance of the lots would be on the Consent Agenda, and expressed her gratitude for the donation.

(10/17/06 -1 - 9:20 a.m.)
PROCLAMATION DESIGNATING OCTOBER 22-28, 2006 AS FRIENDS OF THE LIBRARY WEEK

Stern read the proclamation and presented it to members of Friends of the Library and to Mary Jane Little, Library Director. Little thanked the Board and the volunteers. Carrol Hines made comments on behalf of the Friends of the Library, and expressed appreciation to the Board for their support.

(10/17/06 - 1 - 9:27 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Maguire, seconded by Stern, carried 5/0 to accept the proclamation.

(9:27 a.m.) Michael Hunt, Deputy County Attorney joined the meeting.

(9:27 a.m.) Bryant read a letter into the record regarding the Lighthouse Museum, submitted by Mark Knight, City Planning Director. Bryant stated that no action would be taken on the item due to the need to proceed with the City.

(9:30 a.m.) Kathy Fleming said they had planned to withdraw the request for the tennis court area. She said they were asking the Board to act on the second request on the agenda. Bryant said they would still have to go through City scrutiny. Bryant summarized that the request for the use of the tennis courts had been withdrawn and another site on the project would be discussed.

(10/17/06 - 2 - 9:32 a.m.)

PUBLIC COMMENT

(9:32 a.m.) Phil McDaniel, 51 Water Street, President of the St. Johns Cultural Council, spoke on behalf of the organization. He said they wanted a guarantee there would be affordable access to the amphitheatre, especially by the non-profit and cultural arts community. He asked those in support of his concern to stand. He asked that the Farmers Market be guaranteed weekly access, and for annual review of the booking schedule, especially for non-profits. He proposed an ad hoc group be formed to help define the uses of the amphitheatre.

Bryant stated that he wanted to protect the 501(c)(3) agencies and to insure they had access to the amphitheater. He said much incomplete information had been put forth and he wanted to clarify his support. Hunt stated that the County owned the facility, not Signature Entertainment. Bryant said he would give his full support so that the local groups would have affordable access to the amphitheater.

(9:41 a.m.) There was general discussion regarding the need for private management, support of the arts, the possibility of setting up a workshop and prioritizing and evaluating applications for use of the facility.

(9:58 a.m.) Gerald Eubanks, 785 Viscaya Blvd., Arielle Productions, a 501(c)(3) organization, said he supported all that had been said. He explained that they were new and wanted representation. He said they intended to give opportunity to those who might be overlooked in the cultural arts community.

(10:00 a.m.) McDaniel asked Maguire for his opinion. Maguire said the 501(c)(3)'s needed to be protected, and the whole reason the amphitheatre had been funded was for the community and for the arts, and if revenue was to be generated, it needed to be from performers coming in from the outside, not from the local people using the facility. Bryant said SMG was asking for 60 percent of their gross revenue from locals and that was why he supported Signature.

(10:02 a.m.) Ellen Kirouac, 17 Sea Oaks Dr., spoke in support of the Farmers Market and asked that they be given affordable access to the park. She submitted a petition signed by those who supported the Farmers Market from the Blue Planet Co-op.

(10:04 a.m.) Ron Zamorra, 126 Shores Blvd., spoke in support of those in the cultural arts community being given affordable use of the amphitheater. He stated they did not

need an outside group to manage the amphitheater and the County could hire someone locally.

(10:06 a.m.) C. T. Lucas, Jr., 30 Cordova St., expressed concern about the \$4,000 daily fee for using the amphitheater or for the use of the amphitheater by outsiders. He said high school students needed a suitable local site for graduation ceremonies and that fee was too high for them.

(10:09 a.m.) Lynn Weddach, 530 Lindsey Lane, said she represented the Old City Farmers Market, and said she had over 500 signatures on a petition in support of the Farmers Market. She said they were not a 501(c)(3) and asked for special consideration. She asked the commissioners to make a motion to support the Farmers Market to remain in the facility.

(10:14 a.m.) Carey Del Re, 40 South Dixie, spoke in support of the Farmers Market remaining at the facility.

(10:14 a.m.) Paul Linser, 6713 Hidden Creek Blvd., professor at the Whitney Lab, said he was a primary organizer of the Gamble Rogers Folk Festival, and spoke in support of the arts community being allowed to have affordable access to the amphitheater.

(10:16 a.m.) Jack Schultz, 104105 East Deep Creek Blvd., Hastings, President of the Ancient City Blues Society, spoke in support of the affordable use of the amphitheater for the arts community, as well as for other private entities.

(10:18 a.m.) Anthony Fast, 4069 Red Pine Ln., founder and impresario of the First Coast Opera, spoke in support of the arts community use of the facility, and said the fee requested of \$4,200 was absurd. He suggested that Lucker's suggestion of a \$1 fee for non-profit agencies be implemented and that it was the commissioner's call.

(10:19 a.m.) Al Le Beau, 188 Herron's Nest Lane, spoke regarding his concern about the financial viability to properly serve the needs of the constituency. He encouraged holding workshops to work out details on that and other issues.

(10:21 a.m.) Marjorie "Peg" McIntyre, 21 Village Las Palmas, founder and coordinator of Grandparents for Peace of St. Augustine, spoke in support of use of the amphitheater by the volunteer community. She said high rental fees would prohibit non-profit groups from using the amphitheater. She asked them not to sign the contract.

(10:24 a.m.) Sean Sacco, 5 Lakeshore Dr., expressed support for including the pools in the SJC budget. He also spoke in support of the local arts and cultural community having a voice in the not-for-profit organizations.

(10:25 a.m.) Deborah Lundgren, 5940 County Road 208, spoke in support of the Farmers Market's use of the amphitheater. She said she was a vendor at the market and expressed the important role it played in the community.

(10:27 a.m.) Bill Leary, 28 East Park Ave., stated he appreciated the balances they must strike in the use and maintenance of public facilities, but expressed concern that they were moving too fast on the contract. He said the people were there that day to ensure that they would have a voice and that due diligence would be done. He said they were the core users as described in the RFP.

(10:30 a.m.) Tom Spoden, 5 Manatee Ct., stated the artisan community made the cultural community what it was. He asked them to support the arts community by

making the use of the amphitheater affordable and accessible. He said it should be for the people and not for making a profit. He said a 15-year contract was no way to do the deal. He said the small people in the community could not afford the fees.

(10:32 a.m.) Hunt said there had been no negotiation on the contract. He said Signature had made an offer, which would be carefully and fully examined, and it was their first offer. He said the County was in control of the process, no deal had been created and it was still under discussion.

(10:33 a.m.) Pam Youngquist, 165 Twine St., Coordinator for the Natural Living Alliance, thanked the Board for what they were trying to do and what they had done. She said they had put on the Earth Day event and could not have done it without the support of the Farmers Market and Tommy Bledsoe of the amphitheater. She spoke in support of the Farmers Market.

(10:35 a.m.) Dan Chitwood, 917 Lew Blvd., said he was a member of St. Augustine Rotary Club, which donated and built the ticket office and administration building at the amphitheater. He said they had done volunteer work during the productions of the *Cross and Sword*.

(10:37 a.m.) Andrea Samuels, 110 Mickler Blvd., Secretary to the St. Augustine Beach Civic Association, also a non-profit organization, spoke in support of the Farmers Market, and asked that the Board charge non-profits \$1 for use of any County owned property.

(10:38 a.m.) McDaniel thanked the Board for their support of cultural arts. He asked that some guarantee be made to them that the Farmers Market could stay there. Bryant said they could place the item on a future agenda, but could not do it during public comment. He also asked they follow up on making the Cultural Council the designated agency to work with the Board.

(10:40 a.m.) Stern said it was important to have a workshop to hear what the issues were on the part of the community. She said her intention was to ask that a resolution be put on the agenda, in the very near future, to support the arts community and volunteers' use of the amphitheater. She also noted the importance of being able to hold graduation ceremonies in St. Augustine.

(10:42 a.m.) Stevenson said the amphitheater was one of the unique features of St. Augustine. She asked that they look to best practices when they held the workshop. She noted there were many needs in the county, and many parts of the community were trying to create the sense of community that they already had achieved.

(10:44 a.m.) Rich asked someone from the group to go to the Commission office to establish an evening date for the workshop if it was requested. Stern said that was fine. Bryant said they needed to coordinate with Administration.

(10:46 a.m.) Vivian Browning, 40 Beachcomber Way, spoke regarding the Town Center at Vilano Beach height issue, and said they supported the 35-foot height limit for the residential community. She said she had done a windshield survey to see what the heights of buildings were in the unincorporated business districts of the county. She said most had evolved as strip centers on high volume roads, usually backing up to a residential community or environmental area, and was dedicated to shopping by car. She expressed concern about what was permitted within the approved height. She stressed that they were trying to make a business district that would be pleasing and useful to their community.

(10:50 a.m.) David Wiles, 8220 A1A South, said he was concerned about the core of the Comprehensive Plan resting on Article IV, Natural Resources. He said it made a strong distinction between coastal sensitivities and the rest of the county. He expressed concern regarding density and concentration on the environment directly on the coast, as it related to the Vilano Beach Town Center. He said their decision was a mistake and there needed to be a revision in the application and the location.

(10:53 a.m.) Richard Davis, owner of Davis Industrial Park, spoke on behalf of the industrial park, and asked that he be allowed to go back to the old incentive program ordinance, so that all the lots within the industrial park could be treated the same. He said he would not have started a number of his projects if he hadn't had the incentive program that was permitted at the time. He asked to be considered under the old ordinance, rather than the new, so that he could go forward with the development of the industrial park as he had planned it. Bryant said the old ordinance was null and void when the new ordinance took its place. He said they would refer the matter to the legal department and take it under advisement.

(10/17/06 - 5 - 10:53 a.m.)

DELETIONS TO CONSENT AGENDA

Locklear asked that Item 26 on the Consent Agenda be pulled.

(10/17/06 - 5 - 10:54 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Stern, seconded by Rich, carried 5/0, to approve the consent agenda as amended.

1. Approval of the Cash Requirement Report
2. Minutes:
09/19/06 - BCC Regular Meeting
09/26/06 - BCC Special Meeting
3. Sheriff's Office Bonds:
Cancel: Jonathan Smith Inez Patronska
4. Motion to adopt **Resolution No. 2006-340**, implementing revised fees for services provided by a St. Johns County Department

RESOLUTION NO. 2006-340

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE AMENDING SCHEDULE OF FEES FOR ONE COUNTY DEPARTMENT, AND PROVIDING AN EFFECTIVE DATE

5. Motion to adopt **Resolution No. 2006-341**, approving the naming of the original Bartram Trail Branch Library meeting room as the "William Bartram Meeting Room", and the new meeting room as the "Manatee Meeting Room"

RESOLUTION NO. 2006-341

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING THE NEW NAMES OF THE MEETING
ROOMS OF THE BARTRAM TRAIL BRANCH LIBRARY**

6. Motion to authorize the County Administrator, or his designee, to enter into contract with AJ Johns, Inc., for \$71,705.00 to upsize the water main along State Road 16
7. Motion to authorize the County Administrator to execute documents needed to implement the Historic Preservation Grant Award Agreement No. S0745, as provided by the Division of Historical Resources Staff
8. Motion to adopt **Resolution No. 2006-342**, approving the terms, provisions, conditions, and requirements of a Modification of Grant Agreement between St. Johns County, Florida, and the State of Florida, Department of Community Affairs; and authorizing the Board of County Commissioners of St. Johns County, Florida, to execute the Modification of the Agreement, on behalf of the County

RESOLUTION NO. 2006-342

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING THE TERMS, PROVISIONS,
CONDITIONS, AND REQUIREMENTS OF A
MODIFICATION OF AN AGREEMENT BETWEEN ST.
JONNS COUNTY, FLORIDA, AND THE STATE OF
FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS,
AND AUTHORIZING THE CHAIRMAN OF THE
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS
COUNTY TO EXECUTE THE AGREEMENT ON BEHALF
OF ST. JOHNS COUNTY, FLORIDA**

9. Motion to adopt **Resolution No. 2006-343**, approving the terms of, and authorizing the County Administrator to execute, a certain Purchase and Sale Agreement for property needed for the Woodlawn-Lewis Speedway Intersection Improvements

RESOLUTION NO. 2006-343

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING THE TERMS AND AUTHORIZING THE
COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN
PURCHASE AND SALE AGREEMENT FOR PROPERTY
NEEDED FOR THE WOODLAWN-LEWIS SPEEDWAY
INTERSECTION IMPROVEMENTS**

10. Motion to adopt **Resolution No. 2006-344**, accepting a Deed of Dedication from Elkton Green, Inc., a Florida corporation, to St. Johns County in connection with the Silverleaf Plantation DRI Development Order affordable housing requirements

RESOLUTION NO. 2006-344

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION FROM ELKTON GREEN, INC., A FLORIDA CORPORATION TO ST. JOHNS COUNTY IN CONNECTION WITH THE SILVERLEAF PLANTATION DRI DEVELOPMENT ORDER AFFORDABLE HOUSING REQUIREMENTS

11. Motion to adopt **Resolution No. 2006-345**, approving the terms and conditions of two Purchase and Sale Agreements for acquisition of a 2.75 acre parcel for construction of a fire station site on Pine Island Road; and authorizing the County Administrator to execute the Purchase and Sale Agreements, and take all action necessary in order to close and complete the transaction in accordance with Section 125.355, Florida Statutes

RESOLUTION NO. 2006-345

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF TWO PURCHASE AND SALE AGREEMENTS FOR ACQUISITION OF A 2.75 ACRE PARCEL FOR CONSTRUCTION OF A FIRE STATION SITE ON PINE ISLAND ROAD AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE TRANSACTIONS IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES

12. Motion to adopt **Resolution No. 2006-346**, approving an exchange of real property pursuant to Section 125.37, Florida Statutes, in connection with the Vilano Town Center

RESOLUTION NO. 2006-346

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, IN CONNECTION WITH THE VILANO TOWN CENTER

13. Motion to authorize the County Administrator, or his designee, to award a contract to Florida Highway Products, Inc., for Bid 07-03, CR 16A Widening, in the amount of \$507,775.45
14. Motion to authorize the County Administrator, or his designee, to award a contract to Petticoat Contracting, Inc., for Bid 06-142, North Beach Drainage Outfalls, in the amount of \$456,953.00
15. Motion to adopt **Resolution No. 2006-347**, establishing the St. Johns County Street Light Policy standardizing staff response to requests for the installation, maintenance, and operation of street lights within St. Johns County

RESOLUTION NO. 2006-347

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A POLICY FOR THE INSTALLATION OF STREET LIGHTS

16. Motion to adopt **Resolution No. 2006-348**, approving the terms, provisions, conditions, and requirements of an Interlocal Agreement between the Board of County Commissioners of St. Johns County, Florida, and City of St. Augustine, Florida, regarding the construction of certain improvements at the West King St. and Palmer St. intersection; and authorizing the Chairperson of the Board of County Commissioners to execute the Interlocal Agreement on behalf of the County

RESOLUTION NO. 2006-348

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ST. AUGUSTINE AND ST. JOHNS COUNTY FOR IMPROVEMENTS TO THE INTERSECTION OF WEST KING ST. AND PALMER AND ST. PELLICER LANE AND APPROVED CERTAIN SHARED RESPONSIBILITIES FOR THIS TRANSPORTATION PROJECT

17. Motion to adopt **Resolution No. 2006-349**, approving the contract between St. Johns County, Florida, and the St. Johns County Health Department in the amount of \$444,957.00 to provide environmental health services, communicable disease control services and child primary care services, for FY 2006-2007, beginning October 1, 2006

RESOLUTION NO. 2006-349

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND STATE OF FLORIDA DEPARTMENT OF HEALTH/ST. JOHNS COUNTY HEALTH DEPARTMENT AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

18. Motion to adopt **Resolution No. 2006-350**, approving an agreement between the St. Johns County Board of County Commissioners and the State of Florida, Agency for Health Care Administration; and directing the Chair of the BCC to execute the agreement on behalf of the County

RESOLUTION NO. 2006-350

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS,

CONDITIONS, AND REQUIREMENTS OF A
FEDERALLY FUNDED SUBGRANT AGREEMENT
BETWEEN THE STATE OF FLORIDA, AGENCY FOR
HEALTHCARE ADMINISTRATION, AND ST. JOHNS
COUNTY, FLORIDA, AND AUTHORIZING THE CHAIR
OF THE BOARD OF COUNTY COMMISSIONERS TO
EXECUTE THE AGREEMENT ON BEHALF OF THE
COUNTY

19. Motion to adopt **Resolution No. 2006-351**, approving the agreement between the St. Johns County Board of County Commissioners and Flagler Hospital for Indigent Inpatient Hospitalization Services; and directing the BCC Chair to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2006-351

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY AND FLAGLER HOSPITAL, INC., AS TO DSH/LIP STATE PROGRAMS, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

20. Motion to adopt **Resolution No. 2006-352**, approving a contract between St. Johns County and the Emergency Services/Homeless Coalition; and authorizing the BCC Chair to execute the contract and resolution on behalf of St. Johns County

RESOLUTION NO. 2006-352

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND EMERGENCY SERVICES/HOMELESS COALITION AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

21. Motion to adopt **Resolution No. 2006-353**, approving a contract between St. Johns County and the Early Learning Coalition of Putnam and St. Johns Counties; and authorizing the BCC Chair to execute contract and resolution on behalf of St. Johns County

RESOLUTION NO. 2006-353

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS,

CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE EARLY LEARNING COALITION OF PUTNAM AND ST. JOHNS COUNTIES, INC., AND AUTHORIZING THE CHAIR OF THE COUNTY COMMISSIONERS TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY

22. Motion to adopt **Resolution No. 2006-354**, approving a contract between St. Johns County and the Safety Shelter, d/b/a Betty Griffin House; and authorizing the BCC Chair to execute contract and resolution on behalf of St. Johns County

RESOLUTION NO. 2006-354

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND SAFETY SHELTER OF ST. JOHNS COUNTY D/B/A BETTY GRIFFIN HOUSE; AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

23. Motion to adopt **Resolution No. 2006-355**, approving the definition of “essential services personnel” to the SHIP Local Housing Assistance Plan, in accordance with requirements of the Community Workforce Housing Innovation Pilot Program (CWHIP)

RESOLUTION NO. 2006-355

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE DEFINITION OF ESSENTIAL SERVICES PERSONNEL TO BE INCLUDED IN THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PLAN; AND SETTING AN EFFECTIVE DATE

24. Motion to adopt **Resolution No. 2006-356**, approving a final plat for Walden Chase, Phase I, Unit Three, Lot 542

RESOLUTION NO. 2006-356

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WALDEN CHASE PHASE I UNIT THREE REPLAT OF LOT 542

25. Motion to adopt **Resolution No. 2006-357**, approving a final plat for The Plantation at Ponte Vedra, Unit Twelve

RESOLUTION NO. 2006-357

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING A SUBDIVISION PLAT FOR
PLANTATION AT PONTE VEDRA UNIT TWELVE**

26. Motion to adopt a resolution approving a final plat for Cypress Trace, Phase II-B

This item was pulled.

27. Motion to adopt **Resolution No. 2006-358**, approving a Final Plat for Durbin Crossing North Phase 1-Unit 3

RESOLUTION NO. 2006-358

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING A SUBDIVISION PLAT FOR DURBIN
CROSSING NORTH PHASE 1 - UNIT 3**

28. Motion to adopt **Resolution No. 2006-359**, approving a final plat for CR 244 East

RESOLUTION NO. 2006-359

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING A SUBDIVISION PLAT FOR CR 224 EAST**

29. Motion to adopt **Resolution No. 2006-360**, approving a final plat for County Road 2209-Russell Sampson Road Segment

RESOLUTION NO. 2006-360

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING A SUBDIVISION PLAT FOR COUNTY
ROAD 2209 - RUSSELL SAMPSON ROAD SEGMENT**

30. Motion to establish November 14, 2006 as the public hearing date to consider designation of a Brownfield site

31. Proofs:
- a. Proof, Notice to Bidders, Bid No. 07-13
 - b. Proof, Notice to Bidders, Bid No. 07-17
 - c. Proof, Notice to Bidders, Bid No. 06-124
 - d. Proof, Notice to Bidders, Bid No. 06-126R
 - e. Proof, Notice to Bidders, Bid No. 07-08
 - f. Proof, Notice to Bidders, Bid No. 07-09
 - g. Proof, Notice to Bidders, Bid No. 07-16

(10/17/06 - 11 - 10:57 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant asked to reverse Items 1 and 2, and to add an item regarding a special needs shelter grant at end of the day as Item 17A. Locklear asked to add the Interlocal Agreement with the School Board as 17B.

(10/17/06 - 12 - 10:58 a.m.)
APPROVAL OF REGULAR AGENDA

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

(10/17/06 - 12 - 11:17 a.m.)

1. PRESENTATION ON THE GUANA TOLOMATO MATANZAS NATIONAL ESTUARINE RESEARCH RESERVE (GTMNERR) MANAGEMENT PLAN REVIEW PROCESS

This became Item No. 2

Andy Flajole, Acting Director, Guana Tolomato Matanzas National Estuarine Research Reserve, gave the presentation. He said they were a part of the Department of Environmental Protection, and reviewed the areas they maintained. He said their function was to protect, conserve and manage Florida's coastal and aquatic resources through scientific research. He said there was continuous system-wide water monitoring. He explained the stewardship program, including hiking trails, horseback riding, fishing, beach access, parking lots, and habitat restoration by prescribed fires. They also did monitoring of endangered species, and programs for the general public. He reviewed the Coastal Training Program and guided fieldtrips for school children. He noted they also maintained a volunteer program, and reviewed the Aquatic Preserve Rule established in 1970.

(11:30 a.m.) There was general discussion regarding all the progress they had made, and that the work being done in their facilities was extraordinary.

(10/17/06 - 12- 11:05 a.m.)

2. UPDATE ON BUSINESS OF THE WORLD GOLF HALL OF FAME

This became Item No. 1

Jack Peter, Senior VP, CEO World Golf Hall of Fame, gave an update on their activities. He spoke about the 2006 Induction Ceremonies scheduled for October 30, 2006, and noted the personalities who would be present. He also reviewed international activities in England, Ireland and elsewhere. He reported on the Economic Impact Study done by the University of Florida Food and Resource Economics Department. The impact, from 1995 to 2005, had been \$3.25 billion for the five county region studied and \$2.46 billion in St. Johns County alone. The non-real estate number was \$1.7 billion in St. Johns County alone and included tourism, the Convention Center, lodging, golf, restaurants, the service industry and other business ventures. He stated that 34,000 full-time, part-time and seasonal jobs had been attributed to the World Golf Village.

(11:15 a.m.) Maguire congratulated them and said kudos went to the previous Commission who had the vision to initiate the program and to the developers of the project, themselves.

(10/17/06 - 12 - 11: 33 a.m.)

3. ST. JOHNS COUNTY CHAMBER OF COMMERCE QUARTERLY REPORT

Kari Hall Keating, Vice President for Economic Development, St. Johns County Chamber of Commerce, gave the quarterly report and noted it was also a year-end review. She introduced the new EDC Executive Committee, reviewed the key performance points for government affairs, events, partnerships, local business

expansion, target industry recruitment, and announced projects. She reviewed upcoming projects and did a first quarter preview.

(10/17/06 - 13 - 11:46 a.m.)

4. CONSIDER ADOPTING A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A SECOND AMENDMENT FOR LEASED SPACE BY THE JUNIOR SERVICE LEAGUE OF ST. AUGUSTINE, INC.

Kathy Fleming, Executive Director, St. Augustine Lighthouse and Museum, Inc., stated they had met with the community and reported their findings. She noted that specimen trees had been studied, and reviewed the athletic facilities requests by members of the neighborhood. She said they were there to request permission to build in another area marked in their packets as Option B. She noted the building would have to be redesigned but it would have no impact on the residential area.

(11:52 a.m.) Stevenson said she had not heard the discussions with the City of St. Augustine. She asked what the City's involvement should be. Fleming read a letter from Bill Harris, City Manager, citing a memo from Mark Knight, Planning Director. It said that the City had taken no position in regard to the site.

(11:53 a.m.) Maguire thanked them for taking the tennis court sites out, and said there had been much support from the community, but expressed concern for the perception that the Board was endorsing the project prior to City approval. He said they needed to understand that they had to get permission from the City's Building Department to build the building, and he would support building it with that understanding.

(11:56 a.m.) Rich asked for a caveat that the City of St. Augustine be required to approve the project. Maguire said that was acceptable.

(11:56 a.m.) Edith Stein, 4 Ponce de Leon Ave., was opposed to the building expansion, as they did not want more tourism traffic in the neighborhood.

(11:58 a.m.) Ron Asner, Magnolia Ave. in Lighthouse Park, spoke against the expansion. He presented petitions from neighborhood residents, and there were only two or three people in the entire area who were for the museum expansion. He submitted a letter from Mr. Mussallem to be read into the record.

(12:03 p.m.) Maurice Levor, 948 Lew Blvd., said he had lived in the lighthouse neighborhood for over 25 years and spoke against the expansion. He said it would generate more traffic, and the marine archeology center would be more appropriately located at the Whitney Lab site.

(12:06 p.m.) Tracy Stein, 4 Ponce de Leon Ave., spoke against the building expansion. He questioned why it had to be in their neighborhood.

(12:08 p.m.) Donna Stephens, 1937 Lymington Way, spoke in favor of the expansion and stated that the historical significance was important for the education of the community and its children.

(12:10 p.m.) Bob Stephens, 1937 Lymington Way, St. Augustine Archeological Association President, asked for their support of the expansion for the educational opportunities it would provide to current and future generations of school children. He said the history of the ocean was important to the history of St. Augustine.

(12:12 p.m.) Paul Wenglowsky, 2006 Gary St., Palatka, Director of Maritime Education at the St. Augustine Lighthouse Museum, spoke of the learning opportunities available to all children at the museum and spoke in favor of the expansion. He said physically challenged children were currently unable to access the building and the new building would provide access for those individuals. He said it was important to keep the educational facilities in the same location for the children, as every part of the program centered on the lighthouse. He said they simply wanted to supplement what they were doing already.

(12:17 p.m.) Bryant announced that Rich and Stevenson would be leaving the meeting momentarily to attend a Value Adjustment Board meeting.

(12:18 p.m.) Joel Darack, 1 Holly Lane, stated he was uncertain on where the museum should be. He asked them to look at it carefully, balanced and with respect to the neighborhood and City.

(12:20 p.m.) Nancy Lardner, 29 Busam St., spoke against the expansion, as there was heavy traffic and it increased daily. She noted the signage was inadequate and the street was narrow and did not facilitate the heavy traffic.

(12:22 p.m.) Stevenson and Rich returned to the meeting.

(12:23 p.m.) Ray Hamel, 13 Bermuda Run Way, spoke in favor of the expansion and noted there was great volunteer involvement in the museum. He said their intent was not to increase traffic but to give their people room to work. He noted that other locations had been looked at and evaluated and they decided the current location was the best site.

(12:26 p.m.) Dr. Samuel Turner, 1462 N. Whitney St., Archeological Director at the Lighthouse Museum, spoke in support of the expansion and the reasons why it was important to build adjacent to the lighthouse. He said 54,000 school children came through the museum each year at no cost to the school system.

(12:28 p.m.) Rich asked why the facility could not be located elsewhere because of bussing the children. Turner clarified that they had been bused to the lighthouse and it took time out of, and affected the quality of, the program to load, unload, reload and unload the children again.

(12:30 p.m.) Stevenson commented about bussing and said that moving the children broke their attention span and it would create a quality issue for their learning experience.

(12:31 p.m.) Beverly Henry, 408 Camelia Trail, spoke in favor of the expansion and the educational opportunities that would be available at the Maritime Museum. She noted that experiential education was an important teaching tool for children, which were our greatest asset and our future.

(12:33 p.m.) Rick Cain, 138 Lions Gate Dr., Sr. Director at the Lighthouse Museum, spoke about the traffic and the difficulty of securing signage on A1A. He said that their concern was for the neighborhood, and signage was now present to direct traffic away from the neighborhood and onto Red Cox Road. He said they were committed to keeping the neighborhood safe.

(12:35 p.m.) Kayla Douglas, 74 Lighthouse Ave., spoke against the expansion. She noted she was a lifetime resident of the neighborhood, and she was opposed to site B,

on Carver Avenue, which was one-way. She said truck traffic would erode the property of homeowners in the area. She suggested alternative site C instead, or in a commercial area. She said she had no problem with the Maritime Museum itself.

(12:39 p.m.) Stern commented about the original Maritime Museum location, and expressed concern about the traffic, signage and parking at the current location.

(12:43 p.m.) Maguire expressed support but said it needed to be coordinated with the City. He also said the State Historic Preservation Office should give a recommendation along with the County and City. He stated he was not ready to make a decision that day as access points needed to be reviewed, there should be no increased traffic and he urged no expansion of their current program.

(12:46 p.m.) Rich said Maguire's suggestion was good, to bring the City into the process, and he would support it with the caveat that the City of St. Augustine be included in the decision making process.

(12:48 p.m.) Stevenson read Edward G. Mussallem's letter into the record. Stevenson questioned the reference to Lighthouse Park. Fleming said different people used Lighthouse Park in different capacities. Stevenson also noted that some of the petition signers were concerned about the trail access area and its preservation. Fleming said there was no plan to close the access trail.

(12:51 p.m.) Bryant said he would support the second option with the renewal of the lease, but the final say-so was with the City.

(12:52 p.m.) **Motion by Rich, seconded by Bryant, to adopt Resolution No. 2006-361, approving the location of a Maritime Education Center on property presently leased from St. Johns County to the Junior Service League of St. Augustine, Inc., on an area known as site B, C or D, pending approval of this project by the St. Augustine City Commission.**

McCormack stated that the maker of the motion might want to include a time frame for the approval of the resolution.

(12:53 p.m.) **Rich amended the motion to include a two-year time limit, Bryant who had seconded the motion, agreed upon the amendment.**

Hunt said it was for the location of the Maritime Education Center and not for construction. Stevenson said the motion was more carte blanche than she would like to give. Hunt clarified that the resolution before the Board approved the location of the Maritime Education Center. If they wanted something different they needed to make it clear as to what they wanted.

(12:58 p.m.) Bryant asked for the caveat that Federal approval be secured.

(12:59 p.m.) Rich asked for clarification from Legal Counsel. Hunt said he included Federal because he thought it was approval of the City only. He said Federal approval would be necessary. Rich said the Federal approval process would be during the permitting phase. Hunt said it could come in earlier, but typically it came during the permitting process. Rich said his motion stood as presented.

(1:01 p.m.) **The motion carried 5/0.**

RESOLUTION NO. 2006-361

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE LOCATION OF A MARITIME EDUCATION CENTER ON PROPERTY LEASED TO THE JUNIOR SERVICE LEAGUE OF ST. AUGUSTINE, INC.

The meeting recessed for lunch at 1:01 p.m. and reconvened at 1:55 with four commissioners and Maguire absent, Locklear, McCormack, and Deputy Clerk Lenora Newsome present.

(10/17/06 - 16 - 1: 55 p.m.)

5. PUBLIC HEARING - NZVAR 06-09 143, BLOCKER STREET - THIS ITEM IS A CONTINUATION FROM THE OCTOBER 3, 2006 AGENDA AT THE REQUEST OF THE BOARD OF COUNTY COMMISSIONERS (BCC). AT THAT MEETING, ADDITIONAL INFORMATION WAS REQUESTED REGARDING THE TWELVE (12) COUNTY-OWNED LOTS LOCATED NORTH OF THE SUBJECT PROPERTY. LOTS 1-9, 11, 13, AND 17 ALONG BLOCKER STREET ARE OWNED BY ST. JOHNS COUNTY. THE BCC ASKED WHETHER IT WAS FEASIBLE TO CONSIDER THESE LOTS FOR A POSSIBLE AFFORDABLE HOUSING PROJECT. MAPPING AND ADDITIONAL INFORMATION ON THE COUNTY-OWNED LOTS HAS BEEN INCLUDED IN THE UPDATED BCC PACKAGE *(Continued from October 3, 2006)*

Proof of publication of the notice of public hearing on NZAR 06-09, Blocker Street, was received, having been published in *The St. Augustine Record* on September 19, 2006.

John Burnham, Development Review Chief Engineer, reviewed this item, stating that staff suggested, if approval was granted, the applicant should be required to execute a maintenance agreement approved by the County Attorney. McCormack stated that their office would not object to the suggestion.

(1:59 p.m.) Laura Barrow, Assistant County Attorney, gave a brief history on the property appraisal. (2:01 p.m.) **Motion by Stern, seconded by Rich, to approve NZVAR 2006-09 based upon the evidence provided for all of the five findings of fact.** Stevenson spoke on the county owning the lots, and at the end of 13 years, if the lots were not used for a fire station, then they would revert to the Florida Memorial College. Burnham responded. Barrow stated that the deed provided that the county shall use the property solely for the purpose of a fire station or anything related to a fire station. Discussion ensued. Stevenson asked about paving and if the applicants would agree to a MSBU, if needed. *Rich requested that the wording for the motion be amended to include; the applicants shall be required to execute a maintenance agreement approved by the county attorney to include any participation in the future MSBU that may take place.* Stern replied that she was not sure that she could agree to that. Discussion ensued. Stern stated that she would agree to it. McCormack stated that the county had the authority to place an MSBU on affected lots and the benefit of Stevenson's language was that it gave notice to these owners and future owners. McCormack advised to approve the variance that day, and then the staff could bring back a MSBU for the street.

(2:09 p.m.) Kellie Fortner, 4 Eastman Street, stated that she was there to answer any questions. Bryant explained that a motion was on the floor with the caveat of having to participate in a MSBU at some future time, if the road needed to be improved or upgraded. Fortner replied that they knew about it, and had agreed to it previously. McCormack explained what a MSBU meant. Stern asked if the motion was approved

with the condition, when it would go into affect. McCormack replied that it might never go into effect; there may never be a MSBU on it. Stern stated that she wanted to make sure that the applicant understood the condition. *Stern stated that she accepted the language requested by Rich regarding the MSBU; if the roadway from CR 214 on the north side with south Holmes Blvd. to the west was subject to a MSBU, then the lot owner may be required to participate in that MSBU. The second accepted it.* (2:18 p.m.) **The motion carried 4/0 with Maguire absent.**

(10/17/06 - 17 - 2:18 p.m.)

6. CONSIDER MOTION TO APPROVE A CHANGE TO THE WRITE OFF POLICY OF THE EMERGENCY MEDICAL SERVICES BILLING DEPARTMENT

Steve Canfield, Chief of Finance & Support, stated that they were there that day to ask for a modification to their current bid process for ambulance transports. Rich asked if there was any way for them to fund a pool of monies through HHS to reimburse the Fire Department Fund. Bryant stated that he thought the write off was the best way to handle this situation. McCormack asked about the write offs. (2:23 p.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Maguire absent, to approve a change to the write off policy of the Emergency Medical Services Billing Department.**

(10/17/06 - 17 - 2:23 p.m.)

7. PUBLIC HEARING - ORDINANCE AMENDING THE EXISTING UTILITY ORDINANCE 2006-73, CONCERNING WATER, WASTEWATER AND RECLAIMED WATER UNIT CONNECTION FEES - THE EXISTING UTILITY ORDINANCE, SECTION 25(E) DESCRIBES REIMBURSEMENT OF WATER AND WASTEWATER UNIT CONNECTION FEES. THE INTENT OF THE SECTION WAS TO ALLOW DEVELOPERS TO GET REIMBURSED FOR INSTALLATION OF WATER AND SEWER TRANSMISSION MAINS THAT THEY CONTRIBUTED TO THE COUNTY. THE DEVELOPER ASSUMED 100% OF THE RISK FOR SUCH INSTALLATION. THE REIMBURSEMENT POLICY PROVIDES AN AVENUE TO THE DEVELOPER TO RECOVER SOME OR ALL COSTS. THE TRANSMISSION MAINS ALLOWED THE UTILITY TO PROVIDE WATER AND WASTEWATER SERVICE TO MAJOR UTILITY SERVICE CORRIDORS BESIDES THAT OF THE DEVELOPER'S PROJECT. THE EXISTING ORDINANCE DID NOT INCLUDE THE FOLLOWING ITEMS THAT WILL BE PART OF THE AMENDMENT: REIMBURSEMENT OF RECLAIMED WATER TRANSMISSION MAINS; REIMBURSEMENT OF THE TREATMENT COMPONENT (SUCH AS LAND FOR WASTEWATER AND WATER PLANTS); PROPER DEFINITION OF THE TRANSMISSION COMPONENT TO INCLUDE BOOSTER STATIONS AND MASTER PUMP STATIONS; REIMBURSEMENT OF UNIT CONNECTION FEES FOR PARTIAL IMPROVEMENTS TO THE OVERALL ASSET (SUCH AS LAND FOR A TREATMENT PLANT); REIMBURSEMENT TIMELINE OVER SIX (6) YEARS IN CASES WHERE THE CONTRIBUTED ASSETS FROM DEVELOPERS WERE OF RELATIVELY LARGER MAGNITUDE

Proof of publication of the notice of public hearing on Ordinance Wastewater was received, having been published in *The St. Augustine Record* on October 3, 2006.

Bill Young, Director of Utilities, reviewed this item, mentioning three ways of reimbursements. Rich asked about 10-inch lines and 14-inch lines. Young spoke on two different approaches regarding these lines. Rich mentioned that he was looking for a source of revenue from the Utility Department to pay for people who couldn't pay for unit connections and that he was looking for money from the developers, basically, for unit connection fees for the people who couldn't pay for them. Young stated that they

had already negotiated with the developments. Bryant stated that this couldn't be forced on the developer. McCormack stated that it would be viewed as an abstraction. (2:38 p.m.) **Motion by Stevenson, seconded by Bryant, carried 4/0 with Maguire absent, to adopt Ordinance #2006-118 amending section 25(E) of the existing County Ordinance No. 2006-73, concerning water, wastewater, and/or reclaimed water unit connection fee refund agreements, and related matters; providing for severability; providing for an effective date.**

ORDINANCE NO. 2006-118

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING SECTION 25(E) OF EXISTING COUNTY ORDINANCE 2006-73, CONCERNING WATER, WASTEWATER, AND/OR RECLAIMED WATER UNIT CONNECTION FEE REFUND AGREEMENTS, AND RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

(10/17/06 - 18 - 2:40 p.m.)

8. **CONSIDER ADOPTING A RESOLUTION APPROVING THE EXECUTION OF THE UTILITY SERVICE AND REFUND AGREEMENT FOR SILVERLEAF DEVELOPMENT**

Bill Young, Director of Utilities, reviewed this item, stating that it was clearly in the best interest of the county. Bryant spoke on conservation rates. (2:47 p.m.) **Motion by Bryant, seconded by Stern, to adopt Resolution No. 2006-362, approving the terms, provisions, conditions, and requirements of a Utility Service and Refund Agreement between St. Johns County, Florida, and Whites Ford Timber and Investment Company, Ltd., SJP L.L.C., J&N Ventures, L.L.C., VCP-Real Estate Investors, Ltd., for the provision of Utility Service and refund of water, wastewater and reclaimed water unit connection fees and authorizing the County Administrator to execute the agreement on behalf of St. Johns County; providing for an effective date. *Young mentioned that there were three corrections they needed to make to the document; on Exhibit H delete the last sentence, putting in the address of the Utility Department, and the size of the plant. The maker of the motion and the second agreed to the information mentioned by Young.* (2:50 p.m.) **The motion carried 4/0 with Maguire absent.** There were changes to the backup text of the Resolution, Exhibit A.**

RESOLUTION NO. 2006-362

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A UTILITY SERVICE AND REFUND AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND WHITE'S FORD TIMBER AND INVESTMENT COMPANY, LTD., SJP L.L.C., J & N VENTURES, LLC, VCP-REAL ESTATE INVESTORS, LTD., FOR THE PROVISION OF UTILITY SERVICE AND REFUND OF WATER, WASTEWATER AND RECLAIMED WATER UNIT CONNECTION FEE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY; PROVIDING FOR AN EFFECTIVE DATE

(10/17/06 - 19 - 2:50 p.m.)

9. DISCUSSION OF NORTHWEST SECTOR REGIONAL ROADWAYS ROAD NAMING

Lindsay Haga, AICP, Chief Planner, gave a brief report. Stevenson spoke on names for the roads. Rich spoke on where to get the names for the roads. Discussion ensued.

(10/17/06 - 19 - 3:04 p.m.)

10. PUBLIC HEARING - PNZVAR 2006-04 ANASTASIA BILLIARD ROOM - REQUESTED CHANGE: NON-ZONING VARIANCE TO ALLOW A VARIANCE TO SECTION 3.08.07.E.1. THIS REQUEST SEEKS APPROVAL OF A NON-ZONING VARIANCE REGARDING SIGNAGE, SPECIFICALLY FROM SECTION 3.08.07.E.1 OF THE LAND DEVELOPMENT CODE. THE PARCEL IS LOCATED AT THE SW CORNER OF STATE ROADS 312 AND A1A. THE APPLICANT WISHES TO EXCEED THE TWENTY-FOUR (24) SQUARE FOOT STANDARD FOR WALL SIGNS AND PLACE A FORTY-EIGHT (48) SQUARE FOOT SIGN ON THE BUILDING FAÇADE. THE LOCATION OF THE PROPERTY IS AT THE SW CORNER OF THE INTERSECTION OF S.R. 312 AND A1A. THE CURRENT BASE ZONING IS CG (COMMERCIAL GENERAL). THE SURROUNDING ZONING CONSISTS OF RG-2 TO THE WEST, CM-1 (COMMERCIAL MEDIUM, CITY OF ST. AUGUSTINE ZONING) TO THE NORTH, RMH + CG + CHT TO THE SOUTH ACROSS POPE ROAD, CG TO THE EAST ACROSS A1A. A FUTURE LAND USE OF COMMERCIAL. THE CURRENT LAND USE FOR THE ENTIRE 7.84 ACRES IS COMMERCIAL. THE SURROUNDING LAND USE CONSISTS OF COMMERCIAL TO THE WEST, COMMERCIAL MEDIUM INTENSITY (CITY OF SAINT AUGUSTINE LAND USE) TO THE NORTH ACROSS S.R. 312, COMMERCIAL AND COASTAL RESIDENTIAL C TO THE SOUTH ACROSS POPE ROAD, COMMERCIAL TO THE EAST ACROSS A1A

Proof of publication of the notice of public hearing on PNZ 2006-04, Anastasia Billiard Room was received, having been published in *The St. Augustine Record* on October 2, 2006.

Lindsay Haga, AICP, Chief Planner, reviewed this item, stating that the staff report added in an additional condition, that the BCC should consider limiting the illumination of the signage. Adjacent Property Owner Response Forms were turned in, Exhibit A. Bryant spoke on the Mid-Anastasia Design and Review Board using their common sense when they reviewed something, and that they had done a good job.

(3:07 p.m.) John Deuble, 64 Barring Place, applicant, stated that he was not clear on the illumination condition. Bryant replied that Deuble would have to turn the light off at 10:00 p.m. or 30 minutes after the business closes. (3:11 p.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Maguire absent, to approve PNZVAR 2006-04, for a variance to Section 3.0807D1 including limiting the hours of illumination for the signage shall cease at 10:00 p.m. or one half hour after business closes making findings of fact 1 through 6 to support the motion.**

(10/17/06 - 19 - 3:13 p.m.)

11. PUBLIC HEARING - PUD 2006-15, ASHFORD MILLS PUD/ DEVELOPMENT OF REGIONAL IMPACT - THIS IS A REQUEST TO REZONE 1,520.23 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT IN ORDER TO IMPLEMENT THE DEVELOPMENT ALLOWANCES AS APPROVED UNDER THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER,

ADOPTED BY RESOLUTION 2006-64, MARCH 9, 2006. THE DRI DEVELOPMENT ORDER PROVIDES FOR A TOTAL OF 2688 DWELLING UNITS; 250,000 SQUARE FEET OF RETAIL; 30,000 SQUARE FEET OF OFFICE; COMMUNITY AND NEIGHBORHOOD PARKS, SCHOOL SITES AND MILES OF PEDESTRIAN PATHS AND BIKE LANES. THE SITE WILL BE ACCESSED FROM CR210 FROM THE CONNECTION WITH ASHFORD MILLS BOULEVARD. THE PROJECT INCLUDES PEDESTRIAN CONNECTIVITY WITHIN THE INTERNAL NEIGHBORHOODS AS WELL AS TO OUTSIDE, ADJACENT PROPERTIES THROUGH THE PROVISION OF SIDEWALKS, PATHS AND ON STREET BIKE LANES. THE PROJECT PROPOSES TO IMPLEMENT TRADITIONAL NEIGHBORHOOD DESIGN ELEMENTS. THE PUD INCLUDES SEPARATE SETBACKS FOR SINGLE FAMILY DEVELOPMENT, MULTI-FAMILY DEVELOPMENT AND NONRESIDENTIAL DEVELOPMENT. THE PUD PROPOSES A 17.5 FOOT SETBACK TO THE FACE OF THE GARAGE WITH A MINIMUM FIVE (5) FOOT SETBACK TO THE STRUCTURE FOR SINGLE FAMILY DEVELOPMENT. THE MAXIMUM HEIGHT IS PROPOSED AS 35 FEET. MULTI FAMILY UNITS WILL BE SETBACK TWENTY (20) FEET TO THE FRONT PROPERTY LINE WITH A MINIMUM 10 FOOT SIDE YARD SETBACK. THE NON RESIDENTIAL DEVELOPMENT SHALL NOT EXCEED 70% ISR OF THE TOTAL COMMERCIAL SITE WITH A FAR OF 50%. THE MAXIMUM HEIGHT IS PROPOSED AS 65 FEET. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS PLANNED UNIT DEVELOPMENT REZONING REQUEST AT THE OCTOBER 3, 2006 MEETING BY A UNANIMOUS VOTE OF 7/0. THE RECOMMENDATION INCLUDES DELETING TWO WAIVERS AND MODIFYING THE TWO PROPOSED WAIVERS. THE APPLICANT HAS DELETED TWO WAIVER REQUESTS AND MODIFIED THE EXISTING WAIVERS AS PROPOSED HEREIN

Proof of publication of the notice of public hearing on PUD 06-15, Ashford Mills was received, having been published in *The St. Augustine Record* on October 2, 2006.

Lindsay Haga, AICP Chief Planner, reviewed this item, mentioning that the revised Exhibit C was submitted earlier, Exhibit A. Stern disclosed exparte communication with Anna Shea, Joe Collins, and T.R. Hainline, regarding the various parts of the PUD text, the phasing and two waiver issues. Bryant disclosed exparte communication with the same three people regarding the two waivers. Stevenson disclosed exparte communication with the same three people regarding the timing of roadway improvements, the parks and recreation areas, the parking around the canoe launch areas, the wetland avoidance, and the right-of-way on SR 16A. Rich disclosed exparte communication with the same three people regarding buffering, adjacent owners impacts, and increasing recreational facilities to meeting standards.

(3:19 p.m.) Anna Shea, Rogers Tower Law Firm, 170 Malaga Street, reviewed this item, mentioning the change to the text on page 10, adding that the pools have swimming lanes and that there would be soccer fields, Exhibit B.

(3:22 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition to the rezoning.

(3:22 p.m.) Glenn Kellett, 4455 CR 210, voiced his concerns. Rich mentioned speaking with the developer and how respondent the developer was to him. (3:26 p.m.) Maguire entered the meeting. Stevenson spoke on having another community meeting soon and on transportation. Kellett spoke on the growth issue. Stevenson spoke on school sites.

(3:41 p.m.) T. R. Hainline, 1301 Riverplace Blvd., was present for questions. Stevenson requested Hainline to speak regarding the road improvements, Exhibit C. Hainline addressed the transportation improvements that were agreed upon, the school funding for the two additional school sites and the 65-foot height they were requesting.

(3:44 p.m.) Shea addressed the buffering. Stevenson commented on regional recreation.

The meeting recessed at 3:49 p.m. and reconvened at 4:00 p.m.

(4:00 p.m.) Haga mentioned for the point of clarification during the applicant's presentation, that the height limit was 65 feet for the non-residential development and stated that it would be located in the portion of the development located next to CR 16A. Haga clarified with the applicant that the north part adjacent to CR 210, would be limited to 45 feet and stated that the text would be revised, Exhibit D. Shea replied that was correct. (4:01 p.m.) **Motion by Stern, seconded by Maguire, to enact Ordinance 2006-119, known as PUD 2006-15, Ashford Mills PUD adopting findings of fact 1 through 7 to support the motion, with the change in the text mentioned by Haga and the two waivers.** Rich asked for clarification from the county attorneys regarding the timing being considered in the approval or disapproval of this project. Whitehouse responded. Discussion ensued. Maguire disclosed exparte communication with Anna Shea, and J.D. Collins. **The motion carried 3/2 with Rich and Stevenson dissenting.**

ORDINANCE NO. 2006-119

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

(10/17/06 - 21 - 4:09 p.m.)

12. PUBLIC HEARING - REZ 2006-24, RUGGERI REZONING - THIS IS A REQUEST TO REZONE 1.0 ACRES FROM OPEN RURAL TO COMMERCIAL GENERAL. A PLAN OF DEVELOPMENT IS NOT KNOWN AT THIS TIME. THE PROPERTY IS CURRENTLY VACANT. THE PARCEL IS LOCATED ON THE WEST SIDE OF US 1 SOUTH APPROXIMATELY ½ MILE SOUTH OF WILDWOOD DR AND IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY. ADJACENT ZONINGS ARE OPEN RURAL, COMMERCIAL GENERAL, AND PLANNED SPECIAL DEVELOPMENT. THE APPLICATION INDICATED THAT IF THE 1 ACRE WAS DEVELOPED ALONE IT WOULD BE NO MORE THAN 2,600 SQ. FT. OF GENERAL OFFICE SPACE. THIS AMOUNT OF DEVELOPMENT IS ESTIMATED TO GENERATE LESS THAN 4 WEEKDAY PEAK HOUR TRIPS (SMALL PROJECT), AND DOES NOT REQUIRE A FORMAL CONCURRENCY APPLICATION OR CONCURRENCY CERTIFICATE. FUTURE DEVELOPMENT OF THE SITE WILL BE REQUIRED TO BE REVIEWED FOR CONCURRENCY PRIOR TO CONSTRUCTION PLAN APPROVAL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT SEPTEMBER 7, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on REZ 2006-24, Ruggeri Re-Zone was received, having been published in *The St. Augustine Record* on October 2, 2006.

Michael Blackford, Planner II, reviewed this item.

(4:10 p.m.) John Ruggeri, 460 Vail Point Road, was present for questions. Rich asked Ruggeri why he was requesting to rezone the property to Commercial General when he wasn't sure what he was going to put there. Ruggeri responded that the adjacent property that he owned was CG, so he wanted this property be to CG also. (4:11 p.m.) **Motion by Maguire, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-120, known as REZ 2006-24, Ruggeri adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2006-120

**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
COMMERCIAL GENERAL (CG) MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

(10/17/06 - 22 - 4:12 p.m.)

13. PUBLIC HEARING - REZ 2005-56, DIMARE TRACTOR SUPPLY REZONING - THIS IS A REQUEST TO REZONE 5.0 ACRES FROM COMMERCIAL GENERAL (CG) AND RESIDENTIAL SINGLE FAMILY (RS-3) TO COMMERCIAL INTENSIVE (CI) FOR THE CONSTRUCTION OF A TRACTOR SUPPLY COMPANY. THE PROPERTY IS CURRENTLY OCCUPIED BY A SINGLE FAMILY RESIDENCE. THE PARCEL IS LOCATED ON THE WEST SIDE OF US 1 SOUTH, JUST NORTH OF OLD MOULTRIE RD AND IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY. ADJACENT ZONINGS ARE RS-3, CI, AND CG. THE REQUEST WAS TECHNICALLY DENIED BY THE PLANNING AND ZONING AGENCY AT THEIR JULY 20TH MEETING WHEN A MOTION TO DENY FAILED BY A 3 TO 3 VOTE AND A MOTION TO APPROVE FAILED BY A VOTE OF 3 TO 3. THE CONCERNS EXPRESSED AT THE MEETING WERE COMPATIBILITY OF COMMERCIAL INTENSIVE ZONING ADJACENT TO RESIDENTIAL AND THE PROPOSED ACCESS ONTO CALLE MADRID

Proof of publication of the notice of public hearing on 2006-06, Devagree Dimare was received, having been published in *The St. Augustine Record* on October 2, 2006.

Michael Blackford, Planner II, reviewed this item. Stevenson asked about the vote being 3/3, if it was a technical denial or approval. Whitehouse replied that it was a technical denial.

(4:15 p.m.) Kevin Davenport, 3611 St. Johns Bluff Road, responded to the concerns that were addressed at the Planning and Zoning Agency hearing. Rich spoke on the concerns of the PZA involving compatibility of commercial intensive zoning adjacent to residential. Davenport responded. Rich spoke on the agreement between the homeowner and the developer. Blackford responded. Davenport clarified his testimony regarding buffering. Maguire asked about having anything in writing

regarding the homeowners' consent beside the emails, the deed restrictions, why they were requesting commercial intensive for a hardware store, and why they were not doing a PUD. Davenport and Blackford responded.

(4:25 p.m.) Deputy Clerk Yvonne King entered the meeting; and Deputy Clerk Lenora Newsome left the meeting.

Discussion followed regarding the lighting and the deed restrictions. (4:33 p.m.) Carl Stoudemire, 189 San Juan Drive, Ponte Vedra Beach, Developer for Dimare Tractor Supply, explained the project. (4:40 p.m.) Mark Chamberlin, President of Memorial Lutheran Church, 3375 U.S. 1 South, addressed the lighting, access to the property, the retention pond, future uses of the property, and deed restrictions. Discussion followed regarding the deed restriction. (4:53 p.m.) Pete Marchioli, 125 Calle Madrid, commented in favor of the rezoning. (4:55 p.m.) **Motion by Rich, seconded by Stern, carried 5/0, to continue this item to October 31, 2006; and request the applicant to produce, for the Board, letters of agreement to the adjacent residential homeowners from those homeowners regarding the compatibility of this effort with their homes and their quality of life issues.**

(10/17/06 - 23 - 4:56 p.m.)

14. PUBLIC HEARING - REZ 2006-03 SUMMERLIN COMMERCIAL REZONING - THIS IS A REQUEST TO REZONE 2.5 ACRES FROM OPEN RURAL AND COMMERCIAL INTENSIVE TO COMMERCIAL GENERAL FOR THE CONSTRUCTION OF GENERAL OFFICE AND RETAIL SPACE. THE PROPERTY IS CURRENTLY OCCUPIED BY A VACANT BUILDING AND A MOBILE HOME. THE PARCEL IS LOCATED AT US 1 NORTH AND SUMMERLIN LANE AND IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS ARE OPEN RURAL AND COMMERCIAL INTENSIVE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT AUGUST 17, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on REZ 06-03 Summerlin was received, having been published in *The St. Augustine Record* on October 2, 2006.

Michael Blackford, Planner II, explained the request to rezone 2.5 acres of property from OR and CI to CG for the construction of general office and retail space. (4:58 p.m.) Michael Antonopoulos, 115 Solana Rd. Suite D, Ponte Vedra Beach, representing the applicant, shared the concerns of some of the adjacent property owners regarding the easement through the middle of the property. (4:58 p.m.) **Motion by Rich, seconded by Maguire, carried 5/0, to enact Ordinance No. 2006-121, known as REZ 2006-03, Summerlin Commercial, adopting findings of fact 1-4 to support the motion.**

ORDINANCE NO. 2006-121

**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)
AND COMMERCIAL INTENSIVE (CI) TO
COMMERCIAL GENERAL (CG) MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

(10/17/06 - 24 - 4:59 p.m.)

15. PUBLIC HEARING - CPA (SS) 2006-11, 11325 OLD DIXIE HIGHWAY - APPLICATION NO. CPA (SS)-2006-11, 11325 OLD DIXIE HIGHWAY, IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 COMPREHENSIVE PLAN FOR 5.05 ACRES OF LAND LOCATED IN BETWEEN US 1 AND OLD DIXIE HIGHWAY APPROXIMATELY THREE FOURTHS OF A MILE NORTH OF THE EXISTING CR 210 AND US 1 INTERSECTION. THIS IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, WHICH IS EXEMPT FROM THE TWICE-YEARLY AMENDMENT CYCLES. THE SUBJECT PROPERTY LIES BETWEEN US 1 AND OLD DIXIE HIGHWAY AND IS CURRENTLY ZONED AS COMMERCIAL INTENSIVE (CI). AT THE PRESENT TIME A SINGLE FAMILY RESIDENCE, DETACHED GARAGE, RV CANOPY, MOBILE HOME AND THE BUILDING PREVIOUSLY USED AS A BEAUTY SHOP OFFICE CAN BE FOUND ON THE SUBJECT PROPERTY. THE EXISTING SURROUNDING ZONING IS COMMERCIAL INTENSIVE (CI), OPEN RURAL (OR) OR PLANNED UNIT DEVELOPMENT (PUD). THE SURROUNDING FUTURE LAND USE MAP (FLUM) DESIGNATIONS ARE EITHER, NEW TOWN DEVELOPMENT, MIXED USE, RESIDENTIAL A, RESIDENTIAL B, COMMERCIAL AND RURAL SILVICULTURE. ACCESS TO THIS SITE IS VIA OLD DIXIE HIGHWAY CLASSIFIED AS A MINOR COLLECTOR ACCORDING TO THE 2015 ROAD CLASSIFICATION MAP. THE SUBJECT PROPERTY IS SURROUNDED BY TWIN CREEKS AND NOCATEE DRIS

Proof of publication of the notice of public hearing on CPA (SS) 2006-11 Jimmie D & Edith M. Keen was received, having been published in *The St. Augustine Record* on September 30, 2006.

Vickie Renna, Principal Planner, explained the proposed Small Scale Comprehensive Plan Amendment to change the Future Land Use Map from RS to mixed use for 5.05 acres of land located between US 1 and Old Dixie Highway. (5:02 p.m.) Joe Stephenson, Public Works Director, addressed the road conditions. (5:06 p.m.) Jeremy Mackey, 1320 Wilshire Court S., Fruit Cove, commented on the road being paved. (5:07 p.m.) **Motion by Rich, seconded by Stevenson, to enact Ordinance No. 2006-122, amending the Future Land Use Map from Rural Silviculture to Mixed Use for Application No. CPA (SS) 2006-11, land located in between US 1 and Old Dixie Highway, approximately three fourths (3/4) of a mile north of the existing CR 210 and US 1 intersection.** Discussion followed regarding the road improvements. (5:09 p.m.) **The motion carried 5/0.**

ORDINANCE NO. 2006-122

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO MIXED USE, FOR PROPERTY LOCATED IN BETWEEN US 1 AND OLD DIXIE HIGHWAY APPROXIMATELY THREE FOURTHS OF A MILE NORTH OF THE EXISTING CR 210 AND US 1 INTERSECTION; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(10/17/06 - 25 - 5:09 p.m.)

16. PUBLIC HEARING - PROPOSED AMENDMENT TO ARTICLE IV - UPLAND BUFFERS - THIS IS A PROPOSED AMENDMENT TO ARTICLE IV, NATURAL RESOURCES, OF THE LAND DEVELOPMENT CODE TO AMEND SECTION 4.01.06.C, RELATING TO THE CRITERIA TO APPLY WHEN REVIEWING THE UPLAND BUFFER. SPECIFICALLY THIS PROPOSAL IS TO REVISE SUBSECTION 4.01.06(C) PERTAINING TO THE CRITERIA THAT SHALL BE APPLIED WHEN REVIEWING THE UPLAND BUFFER SUCH THAT IT WILL PROVIDE FOR THE BANK OF A STORMWATER SYSTEM TO BE PLACED IN AND BECOME A PART OF THE UPLAND BUFFER AND WILL PROVIDE FOR UNAVOIDABLE WETLAND IMPACT TO INCLUDE WETLAND IMPACTS AS PERMITTED BY STATE AND/OR FEDERAL REGULATING AGENCIES AND CLARIFYING SELF-CREATED HARDSHIPS. ON OCTOBER 5, 2006 THE PLANNING AND ZONING AGENCY VOTED 7 - 0 TO RECOMMEND APPROVAL

Proof of publication of the notice of public hearing on Amendment to Article IV-Upland Buffers was received, having been published in *The St. Augustine Record* on September 20 and October 6, 2006.

Jan Brewer, Environmental Manager, explained the proposed amendment to Article IV of the LDC to amend Section 4.01.06(c) relating to the criteria to apply when reviewing the upland buffer. Discussion ensued regarding upland buffers. (5:13 p.m.) Matt Love, 505 Guana River Road, questioned Brewer regarding the purpose of the amendment. (5:14 p.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2006-123, amending Article IV, subsection 4.01.06.c, pertaining to the criteria that shall be applied when reviewing the upland buffer.**

ORDINANCE NO. 2006-123

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ARTICLE IV OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE IV, NATURAL RESOURCES, SPECIFICALLY REVISING SUBSECTION 4.01.06(C) PERTAINING TO CRITERIA THAT SHALL BE APPLIED WHEN REVIEWING THE UPLAND BUFFER, PROVIDING FOR THE BANK OF A STORMWATER SYSTEM TO BE PLACED IN AND BECOME A PART OF THE UPLAND BUFFER PROVIDING FOR UNAVOIDABLE WETLAND IMPACT TO INCLUDE WETLAND IMPACTS AS PERMITTED BY STATE AND/OR FEDERAL REGULATING AGENCIES, PROVIDING FOR SELF-CREATED HARDSHIPS TO INCLUDE FEATURES IMMEDIATELY ADJACENT TO WETLANDS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(10/17/06 - 25 - 5:15 p.m.)

17. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE. SPECIFICALLY, AMENDMENTS TO ARTICLE III AND ARTICLE VI OF THE LAND DEVELOPMENT CODE ARE PROPOSED TO ADDRESS A NUMBER OF

ISSUES AS RECOMMENDED BY STAFF. THE FIRST PUBLIC HEARING FOR THESE PROPOSED AMENDMENTS WAS HELD ON OCTOBER 3, 2006

Proof of publication of the notice of public hearing on the Land Development Code was received, having been published in *The St. Augustine Record* on September 20, and October 6, 2006.

Teresa Bishop, Growth Management Services Director, explained the LDC amendments to Section 3.07.14 and 3.08.10 regarding overlay district's review boards membership criteria. (5:16 p.m.) Press Tompkins, Acting County Engineer, addressed mandrel testing. Discussion followed regarding mandrel testing. (5:27 p.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to enact Ordinance No. 2006-124, amending Article III and Article VI of the Land Development Code; with the scrivener's error correction in Table 6.16, 3rd box, move the word "Reinforced" in the second line to the third line; and delete the last sentence of Section 5(h).**

ORDINANCE NO. 2006-124

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND ADDING SECTIONS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE NO. 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING AND ADDING TO SECTION 3.07.14 ADMINISTRATIVE REQUIREMENTS; AMENDING AND ADDING TO SECTION 3.08.10 ADMINISTRATIVE REQUIREMENTS; AMENDING AND ADDING SECTION 6.04.05 ACCESS MANAGEMENT; AMENDING AND ADDING TO SECTION 6.04.07 ROADWAY DESIGN; AMENDING AND ADDING TO APPENDIX E ROADWAY FUNCTIONAL CLASSIFICATIONS; AMENDING AND ADDING TO APPENDIX F ROADWAY ACCESS CLASSES; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

(10/17/06 - 26 - 5:27 p.m.)

17a. SPECIAL NEEDS SHELTER GRANT

Ray Ashton, Emergency Management Director, shared that through Emergency Management, the County has been awarded a grant in the amount of \$552,485 from FEMA and the State of Florida to provide generator and emergency electrical power at the new middle school that would be built on Meadow Lark Lane. (5:29 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0, for the Chairman to sign a contract between St. Johns County and the State of Florida, Division of Emergency Management in the amount of \$552,485 to enhance middle school FF at 245 Meadow Lark Lane, St. Augustine, for future use as a special needs shelter in emergency situations. (5:29 p.m.) Motion by Stern, seconded by Maguire, carried 5/0, to approve Resolution No. 2006-363, recognizing unanticipated revenue in the amount of \$552,485 from the State Division of Emergency Management and adjusting the appropriate expenditure line item by the same amount.**

RESOLUTION NO. 2006-363

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2007 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY EMERGENCY MANAGEMENT DEPARTMENT

(10/17/06 - 27 - 5:30 p.m.)

17b. INTERLOCAL AGREEMENT

Ray Ashton, Emergency Management Director, explained that the interlocal agreement was with the St. Johns County School Board regarding shelters and use of the schools. (5:30 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2006-364, approving the terms, provisions, conditions, and requirements of an Interlocal Agreement between St. Johns County, Florida, and the St. Johns County School Board, for the use of designated St. Johns County Schools and their staff for emergency shelters, and authorizes the Chairman of the Board of County Commissioners to execute the Interlocal Agreement on behalf of the County.**

RESOLUTION NO. 2006-364

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS COUNTY SCHOOL BOARD FOR THE USE OF DESIGNATED ST. JOHNS COUNTY SCHOOLS AND THEIR STAFF FOR EMERGENCY SHELTERS, AND AUTHORIZES THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE INTERLOCAL AGREEMENT ON BEHALF OF THE COUNTY

The meeting recessed at 5:31 p.m. and reconvened at 5:44 p.m. with Stern being absent.

(10/17/06 - 27 - 5:44 p.m.)

- 18. PUBLIC HEARING - PROPOSED AMENDMENT TO ARTICLE XI - CONCURRENCY MANAGEMENT INCLUDING PROPORTIONATE FAIR SHARE PROGRAM - THE 2005 AMENDMENTS TO FLORIDA'S GROWTH MANAGEMENT LEGISLATION KNOWN AS SENATE BILL 360 CODIFIED IN CHAPTER 163.3180(16) REQUIRE LOCAL GOVERNMENTS TO ADOPT BY ORDINANCE A METHODOLOGY FOR ASSESSING PROPORTIONATE FAIR SHARE MITIGATION OPTIONS IN THEIR CONCURRENCY MANAGEMENT SYSTEM THAT ALLOW FOR PROPORTIONATE FAIR SHARE CONTRIBUTIONS FROM DEVELOPERS TOWARD MEETING TRANSPORTATION CONCURRENCY REQUIREMENTS. THE PROPORTIONATE FAIR SHARE PROGRAM WOULD BE ADDED TO ARTICLE XI - CONCURRENCY MANAGEMENT OF THE LAND DEVELOPMENT CODE AS PART 11.09. THIS ORDINANCE ALSO INCLUDES SEVERAL MINOR MISCELLANEOUS CHANGES DESCRIBED IN THE ATTACHED STAFF REPORT**

Proof of publication of the notice of public hearing regarding the amendment to Article XI of the LDC was received, having been published in *The St. Augustine Record* on October 9, 2006.

Bill Hartmann, Transportation Planning Manager, reviewed the LDC changes: to make the TRIP reservation procedure for pipelining DRIs consistent with DRI and PUD phasing to streamline and synchronize those procedures; the other change was to the 2005 Growth Management; to change the definition of concurrency to read, "transportation facilities needed to serve new development shall be in place, or under actual construction within three years after the local government approves a building permit or its functional equivalent that results in traffic generation." (5:46 p.m.) William Roll, Jr., Senior Associates of Tyndale Oliver, and Associates, Tampa, gave a PowerPoint presentation regarding: the provisions of SB 360 and the Proportionate Fair Share Ordinance.

(5:59 p.m.) Lynn Pappas, 245 Riverside Avenue, suggested changes to the LDC relating to proportionate fair share.

(6:00 p.m.) Doug Burnett, 170 Malaga Street, suggested there be a countywide identified roadway projects in the CIP Element that are of significance to the County.

Discussion followed regarding proportionate fair share. (6:17 p.m.) *Bryant announced November 1, 2006 at 9:00 a.m. as the second public hearing date to consider amendments to the Land Development Code Article XI, Concurrency Management.*

(10/17/06 - 28 - 6:18 p.m.)
COMMISSIONERS' REPORTS

Commissioner Rich:

No report.

(6:18 p.m.)

Commissioner Stevenson:

No report.

(6:18 p.m.)

Commissioner Bryant:

Bryant informed that Phil McDaniel would be the lead spokesperson for the community regarding the amphitheatre at the workshop with staff, legal staff, Joe Burch, and Mr. Lucker.

(6:20 p.m.)

Commissioner Maguire:

Maguire reported on the seminar hosted and sponsored by the MPO regarding "Global Trade and Regional Infrastructure."

(10/17/06 - 28 - 6:21 p.m.)

COUNTY ADMINISTRATOR REPORT

Adams reminded the Board of the special meeting scheduled for October 18, 2006 at 9:00 a.m.

(10/17/06 - 28 - 6:22 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack relayed a request from the Sheriff for the Board to consider an ordinance pertaining to all-terrain vehicles. (6:22 p.m.) *It was the consensus of the Board to direct the County Attorney's Office to draft an ordinance pertaining to all-terrain vehicles.*

(10/17/06 - 29 - 6:23 p.m.)

CLERK OF COURT'S REPORT

No report.

(6:23 p.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 6:23 p.m.

REPORTS:

1. Letter to Liz Cloud, Program Administrator filing St. Johns County Ordinance Numbers 2006-115 through 2006-117 (10/09/06)

CORRESPONDENCE:

1. St. Johns County Board of County Commissioners Check Register, Check No. 390708-391129, totaling \$3,084,191.54 (09/26/06)
2. St. Johns County Board of County Commissioners Check Register, Check No. 391130-391153, totaling \$37,031.92 (09/29/06)
3. St. Johns County Board of County Commissioners Check Register, Check No. 391154-391455, totaling \$2,475,881.94 (10/03/06)
4. St. Johns County Board of County Commissioners Check Register, Check No. 391456-391459, totaling \$1,219,736 (10/03/06)
5. St. Johns County Board of County Commissioners Check Register, Check No. 391460-391463, totaling \$27,848.73 (10/04/06)

Approved _____ November 14 _____, 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

