

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 14, 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
Patrick McCormack, County Attorney
Terry Bulla, Deputy Clerk

(11/14/06 - 1 - 9:10 a.m.)
CALL TO ORDER

Bryant called the meeting to order.

(11/14/06 - 1 - 9:10 a.m.)
ROLL CALL

Bryant stated that all five commissioners were present.

(11/14/06 - 1 - 9:11 a.m.)

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

(11/14/06 - 1 - 9:12 a.m.)
SPECIAL RECOGNITIONS

Brian Teeple, read Resolution 2006-10 to Bruce Maguire from the Northeast Florida Regional Council, expressing their appreciation for his service and contributions.

(9:15 a.m.) Brian Teeple, read Resolution 2006-11 to Karen Stern from Northeast Florida Regional Council, expressing their appreciation. He also presented a plaque to Stern in appreciation for her service as immediate past President. He noted that the Governor has asked her to remain on the Council as a Gubernatorial Appointee for the next three years.

(9:18 a.m.) Greg White, 905 W. Pearl St., West Augustine Community Redevelopment Agency, Purrell Stevens, 816 West 10th St., Sarah James, 756 W. 6th St., Cherry McDougal, 141 4th St., Erick Terry, 420 S. Mansau St., Melinda Peeples, 6231 Armstrong Rd., Elkton, presented a plaque to their District 2 Commissioner, Karen Stern, for her hard work, enthusiasm and commitment to excellence in assisting the Steering Committee in obtaining their goals and objectives. Ms. Peeples presented a certificate from the Armstrong Community to express their appreciation for her hard work and dedication toward the Armstrong Community, along with their expressions of thanks and appreciation. Ms. Stevens thanked Stern from the residents of the West Augustine community for her sincere caring.

(9:23 a.m.) Jerry Derkholz and Jackie Van Horn of Flagler Estates, came forward to thank Stern for her help with quality of life and safety issues. He announced that they had passed a resolution to name a street Karen Stern Avenue in honor of her many contributions.

(9:27 a.m.) Bryant presented a St. Johns County Certificate of Recognition to Karen Stern, in recognition of her community service to the residents of Armstrong CRA, Flagler Estates CRA, and the West Augustine CRA. Bryant said she had been a steadfast supporter of all the constituents of her district as well as the whole county. Stern expressed her thanks and stated that it had been an honor for her to serve as the County Commissioner for District 2. She said she had great pride in all the residents in District 2 and they were the ones that had made great things happen. She said she would continue to work with them, side by side.

(9:28 a.m.) Bryant presented a Special Commendation from First Coast Metropolitan Planning Organization (MPO), which gave special recognition and read a resolution to Bruce Maguire for his service. Bryant explained that he had stirred up the status quo and taken a lot of heat to bring regional representation to the MPO on behalf of St. Johns County. Maguire thanked the MPO and commented on the progress that they had made with the MPO and stated that he was proud to be a part of it.

(9:33 a.m.) Bryant also presented a Certificate of Recognition to Maguire for his service to the Board of County Commissioners. Maguire thanked staff and said it had been a pleasure working with them.

(9:34 a.m.) Bryant presented a token of recognition to Maguire, a desk clock, and thanked him personally for the service he had given to the County. He presented the same to Karen Stern and thanked her as well. Stern said it had been a pleasure for her as well, thanked staff and said they had the best staff she had ever worked with.

(11/14/06 - 2 - 9:37 a.m.)
PUBLIC COMMENT

Michael Hunt, Deputy County Attorney, joined the meeting.

Ron Sanchez, 724 County Rd. 13 South, congratulated Stern and Maguire for their recognitions. He then asked that they cancel the special meeting scheduled for the next day to allow the new board members to make the scheduled decisions. He said they would have to deal with the reactions so they should have to deal with the action.

(9:38 a.m.) Charles Novak, 243 Pizarro Rd., Treasure Beach, stated that a number of individuals were present in support of the issue and asked them to stand. He distributed a signed petition, demanding the dredging of the county owned canals in Treasure Beach, without assessments to property owners. They also demanded enforcement of the bulkhead ordinance. Additionally, they asked for a workshop to resolve the issues. (9:43 a.m.) Rich stated that he had made a commitment to hold a workshop to review the issue. Stevenson asked McCormack if a workshop had been held previously. McCormack said he had not attended but would pull the notes from that meeting.

(9:46 a.m.) Dwight Hines, 150 Nesmith St., spoke on open records issues. He said that some requested records still had not been obtained. He commented on the accuracy of the records, and noted that Collins Rd. records were based on 1959 deeds, which he believed to be wrong. He asked them to vote no on the Collins Road issue.

(9:49 a.m.) Bryant said we had a very long agenda and he could not allow it to be interrupted by additional public comment, and asked if he was within his legal rights. He said he could place the Amphitheater on the Agenda and the people could comment during the time scheduled for the item. McCormack responded that the Board could form an agenda item during its addition and deletions segment and could require comment pertaining to that agenda item at that time. He said that if discussion and comments resulted after Mr. Lucker and Mr. McDaniel commented, that they would hear those comments during lunch and asked staff to make the necessary arrangements.

(9:51 a.m.) Bruce Lucker, 545 Granada Terrace, President and CEO of Signature Entertainment stated that beginning next week they would meet with representatives of various members of the arts and cultural community to ensure success of their event activities. He noted there was much more to be done by the spring of 2007 grand opening of the amphitheater and the timing was important. He noted they also had a responsibility to reduce and eliminate the deficit budget at the amphitheater.

(9:58 a.m.) McCormack stated that any activities that Signature took before having a signed contract with the County was their own responsibility and not that of the County.

(9:59 a.m.) Phil McDaniel, 51 Water St., President St. Johns Cultural Council, on behalf of the cultural and arts community regarding the amphitheater. He asked if there was a contract that would be ready to be presented to the Board today. Bryant said the new board would take action on the contract. McDaniel thanked the community for coming out to speak, and encouraged those who wanted to speak to save it for the next commission. Bryant said this item was not on the agenda, but they would be heard at noontime, but that they had a long agenda today.

(10:03 p.m.) There was general discussion regarding the upcoming workshop on December 4, on Lucker's attempts to work with the community regarding their concerns, on some misrepresentations of the Board's concerns, and on the misunderstanding that the item was to be heard that day. It was agreed by the Board that the item would not be heard before December of 2006.

(10:11 a.m.) Pat Hamilton, 201 Owens Ave., Crescent Beach, complained about taxes going up, and stated it was because of the growth that had taken place in the county. He spoke against continued growth because it was real estate competition for existing property owners. He said he was in the real estate business and it was bad for business.

(11/14/06 - 3 - 10:17 a.m.)
DELETIONS TO CONSENT AGENDA

McCormack asked that Consent Item 19 be pulled and rescheduled until November 28.

(11/14/06 - 3 - 10:18 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 10/03/06 - BCC Regular Meeting
 - 10/17/06 - BCC Regular Meeting

10/18/06 - BCC Special Meeting

3. Sheriff's Office Bonds:
Approve: Kelli Weedman
Cancel: Jerry Hackney John Smith Linda Crow
Name Change: Shannon Benson to Shannon Borra
4. Motion to adopt **Resolution No. 2006-419**, changing the name of Three Sisters Court to Coles Court

RESOLUTION NO. 2006-419

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHANGING A ROAD NAME FROM THREE SISTERS COURT TO COLES COURT

5. Motion to adopt **Resolution No. 2006-420**, changing a portion of a road from NE Fourth Avenue between NE Fifth Street and Renoir Boulevard to Case Lane

RESOLUTION NO. 2006-420

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHANGING A PORTION OF A ROAD NAME FROM NE FOURTH AVENUE BETWEEN NE FIFTH STREET AND RENOIR BLVD TO CASE LANE

6. Motion to recommend the County Administrator, or his designee, to transfer \$125,000.00 from Fire Services Capital Outlay Reserves (1230-59927) to Fire District Capital Projects (1226-56200) for Fire Station #9 Project
7. Motion to declare the attached list of items as surplus and authorize staff to dispose of same, in accordance with Purchasing Policy 308 and Florida Statute 274
8. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, Volkert & Associates, Inc, in the amount \$100,000.00 for RFP# 07-14 Neighborhood Traffic Calming Program. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until an agreement is reached with one (1) firm
9. Motion to authorize the County Administrator, or his designee, to negotiate and enter into contract with the No. 1 ranked firm, Brown & Caldwell, and the No. 2 ranked firm, Raftelis Financial Consultants for RFQ 07-10 Financial/Management Consulting Services for Utility Department
10. Motion to adopt **Resolution No. 2006-421**, approving the Amendment to the Economic Development Agreement for the American Culinary Federation and to authorize the County Administrator to execute the contract on behalf of the County

RESOLUTION NO. 2006-421

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED ECONOMIC DEVELOPMENT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND AMERICAN CULINARY FEDERATION, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDED AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

11. Motion to adopt **Resolution No. 2006-422**, recognizing unanticipated revenue in the amount of \$5,507.93 and increasing the General Fund Contributions--E-Rate Reimbursement (0001-36602) and increasing the expenditure budget of the Library Donated Operating Supply-Southeast Branch (0001-0078-55227) in the same amount

RESOLUTION NO. 2006-422

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

12. Motion to adopt **Resolution No. 2006-423**, supporting the efforts of the Friends of the Library-Ponte Vedra Beach to sponsor this pilot project to provide a coffee service at the Ponte Vedra Beach Branch Library

RESOLUTION NO. 2006-423

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING THE PILOT PROJECT COFFEE SERVICE OF THE FRIENDS OF THE LIBRARY-PONTE VEDRA BEACH

13. Motion to adopt **Resolution No. 2006-424**, approving the Eleventh Amendment to State Contract No. DJ993, between St. Johns County and the State of Florida, Department of Children and Families, and authorizing the BCC Chair to execute the contract and resolution

RESOLUTION NO. 2006-424

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE ELEVENTH AMENDMENT TO AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES, AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUTNY

14. Motion to adopt **Resolution No. 2006-425**, approving a contract between St. Johns County and the Northeast Florida Community Action Agency, and authorizing the BCC Chair to Execute Contract and Resolution on behalf of St. Johns County

RESOLUTION NO. 2006-425

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE ELEVENTH AMENDMENT TO AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND NORTHEAST FLORIDA COMMUNITY ACTION AGENCY AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

15. Motion to adopt **Resolution No. 2006-426**, and direct the County Administrator to execute the Contract for Provision of Financial Assistance between the Board of County Commissioners of St. Johns County, Florida and Humane Association of Wildlife Care and Education, Inc. [HAWKE]

RESOLUTION NO. 2006-426

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE HUMANE ASSOCIATION OF WILDLIFE CARE AND EDUCATION, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

16. Motion to transfer \$283,876 from the Utility Services/County Commission Reserve [4426 59922] to be appropriated as follows: \$172,021 to the Series 2006 Debt Service [4480 - 57200] and \$111,855 to the JCI Note Debt Service [4481 - 57200] for FY 2006 debt service payments
17. Motion to approve the transfer of \$4,375.13 from the Law Enforcement Trust Fund (1105-1194-59920) to Aid to Private Organizations (1105-1194-58200) for the purpose of donation to the Betty Griffin House per F.S. 932.7055
18. Motion to approve a transfer in the amount of \$25,943.63 from General Fund Reserves (0083-59920) to LETF Reserves (1194-59920) so that the Sheriff may utilize unclaimed funds returned to the General Fund for FY 2006
19. Motion to adopt a resolution approving a plat for Cypress Trace Phase II-B

This item was pulled and rescheduled for November 28, 2006

20. Motion to adopt **Resolution No. 2006-427**, accepting a donation of property from FDOT for a surplus parcel located off of State Road 207, adjacent to the County Fairgrounds

RESOLUTION NO. 2006-427

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DONATION OF PROPERTY FROM FLORIDA DEPARTMENT OF TRANSPORTATION FOR A SURPLUS PARCEL LOCATED OFF OF STATE ROAD 207 ADJACENT TO THE COUNTY FAIRGROUNDS

21. Motion to adopt **Resolution No. 2006-428**, accepting an Easement for Utilities for water service to Stratford Mill Apartments on Outlet Centre Drive

RESOLUTION NO. 2006-428

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE STRATFORD MILLS APARTMENTS

22. Motion to adopt **Resolution No. 2006-429**, approving the terms and authorizing the County Administrator to execute Amendment No. 3 from Nextel South Corp. for the Ponte Vedra Annex Tower site to modify installation of their equipment

RESOLUTION NO. 2006-429

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AMENDMENT NO. 3 FROM NEXTEL SOUTH CORP. FOR THE PONTE VEDRA ANNEX TOWER SITE TO MODIFY INSTALLATION OF THEIR EQUIPMENT

23. Motion to adopt **Resolution No. 2006-430**, accepting a Drainage Easement to improve the drainage in St. Augustine South

RESOLUTION NO. 2006-430

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DRAINAGE EASEMENT TO IMPROVE THE DRAINAGE IN ST. AUGUSTINE SOUTH

24. Motion to adopt **Resolution No. 2006-431**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed on Quarter Horse Circle for the improvements to Russell Sampson Road from Charles T. and Marilyn S. Holland

RESOLUTION NO. 2006-431

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 ON QUARTER HORSE CIRCLE FOR THE
IMPROVEMENTS TO RUSSELL SAMPSON ROAD
FROM CHARLES T. AND MARILYN S. HOLLAND**

25. Motion to adopt **Resolution No. 2006-432**, approving the terms of a license agreement authorizing the use of a portion of County property on Gaines Road for resident Security and authorizing the County Administrator to execute the license agreement on behalf of the County

RESOLUTION NO. 2006-432

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING USE OF A PORTION OF THE COUNTY OWNED PROPERTY ON GAINES ROAD FOR RESIDENT SECURITY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LICENSE AGREEMENT ON BEHALF OF THE COUNTY

26. Motion to adopt **Resolution No. 2006-433**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the West King Street Improvement Project (Ninth of 16 parcels)

RESOLUTION NO. 2006-433

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE WEST KING STREET IMPROVEMENT PROJECT

27. Motion to adopt **Resolution No. 2006-434**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for easement rights on Quarter Horse Circle from all property owners for the improvements to Russell Sampson Road

RESOLUTION NO. 2006-434

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 EASEMENT RIGHTS ON QUARTER HORSE CIRCLE FROM ALL PROPERTY OWNERS FOR THE IMPROVEMENTS TO RUSSELL SAMPSON ROAD

28. Motion to adopt **Resolution No. 2006-435**, accepting an Easement for Utilities for water service to Dominos Pick Up Restaurant on US 1 South

RESOLUTION NO. 2006-435

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE DOMINOS PICK-UP RESTAURANT

29. Motion to adopt **Resolution No. 2006-436**, accepting Grant of Drainage Easement to allow access under Railroad Avenue to install drainage culverts as part of the West King Street Improvement Project

RESOLUTION NO. 2006-436

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

30. Motion to adopt **Resolution No. 2006-437**, accepting an Easement for Utilities for water and sewer service to Serenity Bay subdivision located on A1A South and authorizing the County Administrator to execute the easement

RESOLUTION NO. 2006-437

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

31. Motion to approve the 2007 Holiday Schedule.
32. Motion to adopt **Resolution No. 2006-438**, 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 installation of a generator and building with all necessary hardware at the middle school located at 245 Meadow Lark Lane, that will be used as a Special Needs Shelter in times of emergencies, and authorize the Chairman of the Board of County Commissioners to execute the Interlocal Agreement on behalf of the County

RESOLUTION NO. 2006-438

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, 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 INSTALLATION OF A GENERATOR AND BUILDING WITH ALL NECESSARY HARDWARE AT THE MIDDLE SCHOOL LOCATED AT 245 MEADOW LARK LANE, THAT WILL BE USED AS A SPECIAL NEEDS SHELTER IN TIMES OF EMERGENCIES, AND AUTHORIZES THE CHAIRMAN

**OF THE BOARD OF COUNTY COMMISSIONERS TO
EXECUTE THE INTERLOCAL AGREEMENT ON
BEHALF OF THE COUNTY**

33. Motion to adopt **Resolution No. 2006-439**, recognizing the \$100,000 contribution from Twin Creeks and approving its use in purchasing property for a new Transportation Operations/Maintenance facility

RESOLUTION NO. 2006-439

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
RECOGNIZING A CONTRIBUTION OF \$100,000 FROM
THE TWIN CREEKS DEVELOPMENT FOR PUBLIC
TRANSPORTATION AND APPROVING ITS USE IN
THE PURCHASE OF PROPERTY FOR A NEW
TRANSPORTATION OPERATIONS/MAINTENANCE
FACILITY**

34. Motion to adopt **Resolution No. 2006-440**, giving support for the construction of a new Public Transportation Operations/Maintenance facility, and approving continuing efforts to purchase property for a new Public Transportation Operations/Maintenance facility

RESOLUTION NO. 2006-440

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING STAFF TO CONTINUE TO WORK
WITH THE FEDERAL TRANSIT ADMINISTRATION
AND MOVE FORWARD WITH EFFORTS TO
PURCHASE PROPERTY FOR THE CONSTRUCTION OF
A NEW PUBLIC TRANSPORTATION
OPERATIONS/MAINTENANCE FACILITY**

35. Proofs:
- a. Proof, Notice of Meeting, St. Johns County Board of County Commissioners and Hastings Town Commissioners, Wednesday, October 18, 2006 at 5:30 pm
 - b. Proof, Notice of Meeting, Special Meeting of the St. Johns County Board of County Commissioners, Wednesday, October 18, 2006 at 9:00 am
 - c. Proof, Notice of Meeting, St. Johns County Board of County Commissioners and St. Johns County School Board, Tuesday, October 24, 2006 at 11:00 am
 - d. Proof, Notice to Bidders, Bid No. 07-05R
 - e. Proof, Notice to Bidders, Bid No. 07-20
 - f. Proof, Notice of Meeting, Value Adjustment Board, Tuesday, October 17, 2006 at 12:00 pm
 - g. Proof, Notice to Bidders, Bid No. 07-23
 - h. Proof, Notice to Bidders, Bid No. 07-22
 - i. Proof, Notice to Bidders, Bid No. 06-111
 - j. Proof, Notice of Public Hearings, St. Johns County Board of County Commissioners, Ordinance/Regulations affecting the Use of Land, Tuesday, October 17, 2006 at 5:30pm and Wednesday, November 1, 2006 at 9:00 am

- k. Proof, Notice of Public Hearings, St. Johns County Board of County Commissioners, Ordinance/Regulations affecting the Use of Land, Tuesday, October 3, 2006 at 5:30pm and Tuesday, October 17, 2006 at 9:00 am
- l. Proof, Notice of Election, Referendum pertaining to the composition of the St. Johns County Commission, November 7, 2006
- m. Proof, Notice of Meeting, Proposed Exchange of Property, St. Johns County Board of County Commissioners, Tuesday, October 17, 2006
- n. Proof, Notice to Bidders, Bid No. 07-24
- o. Proof, Notice of Public Hearings, St. Johns County Board of County Commissioners, Establishment of Ordinance/Regulations affecting the Use of Land, Wednesday, September 6, 2006 at 9:00am and Tuesday, September 26, 2006 at 5:30 pm
- p. Proof, Notice of Public Hearings, St. Johns County Board of County Commissioners, Establishment of Ordinance/Regulations affecting the Use of Land, Tuesday, September 19, 2006 at 9:00am and Tuesday, October 3, 2006 at 5:30 pm

(11/14/06 -11- 10:18 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested that public comment on the Amphitheater be heard at 12:00 p.m. Adams stated that Items 9, 10, 11 & 12 were time certain for 1:30 p.m.

(11/14/06 - 11 - 10:19 a.m.)

APPROVAL OF REGULAR AGENDA

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

(11/14/06 - 11 - 10:19 a. m.)

1. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN NOTE AND OTHER RELATED DOCUMENTS ASSOCIATED WITH THE COUNTY'S PARTICIPATION IN THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION POOLED COMMERCIAL PAPER LOAN PROGRAM AND THE BORROWING OF \$6,951,000 TO ACQUIRE, CONSTRUCT AND EQUIP A NEW FIRE RESCUE ADMINISTRATION BUILDING FOR THE COUNTY

Patrick McCormack, County Attorney, introduced Jean Mangu, Financial Counsel for the County. Mangu stated that the item had to do with the commercial paper loan for the new fire/rescue administration building. She noted that it had been approved by the Board at their October 31, 2006 meeting.

(10:20 a.m.) Motion by Maguire, seconded by Stern, carried 5/0, to adopt Resolution 2006-441 authorizing the execution and delivery of the Loan Note and other related documents associated with the County's participation in the Florida Local Government Finance Commission Pooled Commercial Paper Loan Program and the borrowing of \$6,951,000 to acquire, construct and equip a new fire rescue administration building for the County.

RESOLUTION NO. 2006-441

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

THAT SUPPLEMENTS ST. JOHNS COUNTY RESOLUTION NOS. 99-138, 2001-78 AND 2005-8; MAKES FINDINGS; PROVIDES DEFINITIONS; AUTHORIZES THE COUNTY TO BORROW \$6,951,000 (THE "TENTH LOAN") FOR THE PROJECT DESCRIBED HEREIN FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION; PLEDGES CERTAIN NON-AD VALOREM FUNDS TO THE PAYMENT OF THE TENTH LOAN; APPROVES THE TERMS AND CONDITIONS OF THE NOTE THAT WILL EVIDENCE THE TENTH LOAN; AUTHORIZES A NEGOTIATED SALE OF THE TENTH LOAN NOTE; AUTHORIZES THE EXECUTION AND DELIVERY OF THE TENTH LOAN NOTE; DIRECTS THE COUNTY ADMINISTRATOR TO ENSURE THAT CERTAIN TASKS ARE PERFORMED; AUTHORIZES THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS; AND PROVIDES AN EFFECTIVE DATE

(11/14/06 - 12 - 10:21 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF THE COUNTY'S SALES TAX REVENUE BONDS, SERIES 2006, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$52,000,000

Jean Mangu gave the presentation and stated that it pertained to the County's Sales Tax Revenue Bonds and the Commission had approved the program list for that as well as some alternative projects. She said their vote would approve the bond resolution itself and authorize the financing team to go out and market, sell and issue the bonds.

(10:21 a.m.) Motion by Maguire, seconded by Stern, to adopt Resolution No. 2006-442 authorizing the issuance of the County's Sales Tax Revenue Bonds, Series, 2006, in an aggregate principal amount not exceeding \$52,000,000.

(10:22 a.m.) Pam Kessler, 1136 Salt Creek Dr., President Ponte Vedra Beach Athletic Association, spoke in favor of the bonds as the community centers and pools were greatly needed.

(10:23 a.m.) Maguire asked McCormack whether approval for the bond could be rescinded in the future. McCormack said it could be done but would incur significant expenses and would harm the County's bonding reputation in the market. Maguire asked if the projects within the bond itself could be pulled and new projects be added. Mangu, said there was provision for amendments to the projects listed on the back of the bond resolution. She explained that it would have to be a project that the County was permitted to legally do and that the project would not adversely affect the tax exempt status of the bonds. She said it would take a formal resolution amending the bond resolution. Maguire said the Board had approved a bond issue for many projects, including swimming pools, and it was well known that the incoming Board members wanted to pull a large portion of the items on the bond and replace them with other items. He asked if there was any way they could protect what they had decided to pass previously from future Board activity. Mangu said they could revise the resolution to state that in order to change the projects, it would take unanimous consent of all the Board members. Maguire said they should look at the issue of unanimous consent.

(10:27 a.m.) Rich said he had no problem with looking at changing the resolution, but it should be tabled and re-addressed at a later date.

(10:27 a.m.) Stevenson said they had a list of projects and alternatives and it was overbearing of the outgoing commission to exert control beyond a new board and vice versa to the old board. She stated that she found it objectionable, there was broad community support for the pools and they could exert the appropriate pressure on the new board. She asked what the normal reason would be to have the flexibility built in, so they could understand the downside.

(10:30 a.m.) Mangu said flexibility was built in because circumstances and priorities could change.

(10:31 a.m.) Stevenson asked McCormack if a super majority was needed by the outgoing board to require a super majority of the next board, and asked that he consider that.

(10:31 a.m.) Maguire said they wanted to have the flexibility and they wanted to prevent decisions, which had been made, from being politicized. He said a super majority should be standard practice for changing bond issues. Bryant agreed.

(10:32 a.m.) Kessler said the people had spoken and the community had already purchased land for the pools, and it would be in the best interest for the taxpayers to use the land now rather than later. She referenced the survey done which stated many times the need for community centers, including pools and other recreational facilities.

(10:36 a.m.) **Motion by Maguire, seconded by Stern, to amend the resolution to reflect the requirement for a super majority.** He asked McCormack to provide the correct wording.

(10:37 a.m.) McCormack advised against amending with a super majority at that time and said there were some issues pertaining to when the Board could require a super majority by resolution or ordinance. He asked that the item be continued until later in the day so he could research whether it would be enforceable. Bryant agreed. Maguire responded that if they could not legally do it, he would not push it. He said it was a lot of money to throw out in front of "some people" to play with. He said they wanted it determined to be used for the best of the County and that had been determined. He said he wanted to find a way to ensure that on all issues, not just this issue, that the determination would be protected.

(10:39 a.m.) *Stern withdrew her second to the amendment.* She said she also felt strongly about protecting the citizens and children of the County. She commended Kessler for being a spokesperson for the children of St. Johns County.

(10:43 a.m.) Rich said the implication that any item on the project list was a sacred cow, was just wrong. He said the ongoing needs of the public were of equal concern to the oncoming board. He recommended moving forward and that it be approved that day.

(10:44 a.m.) Carl "Bud" Markel, 136 Summerhill Circle, previous Clerk of Court, said it was incredible to attempt to change a bond resolution at that point. He said the election was over and the people had spoken. He encouraged them not to initiate super majorities for bond issues.

(10:47 a.m.) Bryant said the system in place would work, and public hearings would have to be held in order to readdress the bond issue. *Maguire withdrew his motion for the amendment.*

(10:48 a.m.) **The motion carried 4/1, with Rich dissenting.**

RESOLUTION NO. 2006-442

A RESOLUTION FURTHER SUPPLEMENTING RESOLUTION NO. 86-132 OF ST. JOHNS COUNTY, FLORIDA, ADOPTED SEPTEMBER 30, 1986, AS PREVIOUSLY AMENDED AND SUPPLEMENTED; PROVIDING FOR THE ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL PROJECTS; AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$52,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2006, TO FINANCE SAID CAPITAL PROJECTS; PLEDGING THE LOCAL GOVERNMENT HALF-CENT SALES TAX TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID SERIES 2006 BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID SERIES 2006 BONDS; ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDERS OF SAID SERIES 2006 BONDS; RATIFYING THE COUNTY'S ACCEPTANCE OF THE INSURER'S COMMITMENTS RELATING TO A BOND INSURANCE POLICY AND A RESERVE INSTRUMENT WITH RESPECT TO SAID SERIES 2006 BONDS; AUTHORIZING A NEGOTIATED SALE AND AWARD OF THE SALE OF SAID SERIES 2006 BONDS, APPROVING THE CONDITIONS AND CRITERIA FOR SUCH SALE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT WITH RESPECT TO SAID SERIES 2006 BONDS; APPROVING A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO SAID SERIES 2006 BONDS AND AUTHORIZING A FINAL OFFICIAL STATEMENT WITH RESPECT THERETO; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SAID SERIES 2006 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF INTERLOCAL AGREEMENTS BETWEEN THE COUNTY AND ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 10:49 a.m. and resumed at 10:58 a.m.

(11/14/06 - 14 - 10:58 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF THE COUNTY'S TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 2006, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$37,000,000

Jean Mangu introduced the Transportation Improvement Revenue Bond Issue included on the County's priority list, and said it would authorize the underwriter to go out to market and sell the bonds and then award the bonds and proceed with the financing.

(10:59 a.m.) Motion by Maguire, seconded by Bryant, carried 5/0, to approve Resolution No. 2006-443 authorizing the issuance of the County's Transportation

Improvement Revenue Bonds, Series 2006, in an aggregate principal amount not exceeding \$37,000,000.

RESOLUTION NO. 2006-443

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 92-103 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON JUNE 23, 1992 AND TITLED: "A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR THE REFUNDING OF THE COUNTY'S OUTSTANDING TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 1988; AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$12,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF TRANSPORTATION IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 1992, TO FINANCE THE COST THEREOF AND PAY THE COSTS OF ISSUANCE OF SUCH REFUNDING BONDS; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH REFUNDING BONDS THE COUNTY'S PORTION OF THE PROCEEDS OF THE SIX-CENT LOCAL OPTION GAS TAX DISTRIBUTED TO THE COUNTY AND ITS MUNICIPALITIES, ALL MONEYS ON DEPOSIT IN AND INVESTMENTS HELD FOR THE CREDIT OF CERTAIN FUNDS CREATED HEREUNDER AND THE EARNINGS ON SUCH INVESTMENTS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF SUCH REFUNDING BONDS; AND PROVIDING AN EFFECTIVE DATE" AS PREVIOUSLY AMENDED AND SUPPLEMENTED; AMENDING SAID RESOLUTION NO. 92-103 TO INCLUDE AS ADDITIONAL PLEDGED FUNDS THEREUNDER THE COUNTY'S PORTION OF THE PROCEEDS OF THE CONSTITUTIONAL FUEL TAX AND TO MODIFY THE ADDITIONAL BONDS PROVISIONS THEREIN; AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$37,000,000 AGGREGATE PRINCIPAL AMOUNT OF TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 2006, TO FINANCE ALL OR A PART OF THE COST OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN CAPITAL TRANSPORTATION PROJECTS WITHIN ST. JOHNS COUNTY, FLORIDA; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2006 BONDS WITH THE COUNTY'S PORTION OF THE PROCEEDS OF THE SIX-CENT LOCAL OPTION FUEL TAX AND THE CONSTITUTIONAL FUEL TAX; AUTHORIZING A NEGOTIATED SALE AND THE AWARD OF THE SALE OF THE SERIES 2006 BONDS, AND APPROVING THE CONDITIONS AND CRITERIA FOR SUCH SALE; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A PURCHASE CONTRACT WITH RESPECT TO THE SERIES 2006 BONDS; AUTHORIZING

A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT WITH RESPECT TO THE SERIES 2006 BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE SERIES 2006 BONDS AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A REGISTRAR AND PAYING AGENT AGREEMENT; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; RATIFYING THE COUNTY'S ACCEPTANCE OF THE INSURER'S COMMITMENTS RELATING TO A BOND INSURANCE POLICY AND A RESERVE ACCOUNT INSURANCE POLICY WITH RESPECT TO THE SERIES 2006 BONDS AND, AS TO THE RESERVE ACCOUNT INSURANCE POLICY, THE PARITY OBLIGATIONS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF THE SERIES 2006 BONDS; AND PROVIDING AN EFFECTIVE DATE

(11/14/06 - 16 - 10:59 a.m.)

4. **CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A SUPPLEMENT TO THE LOCAL OPTION FUEL TAX INTERLOCAL AGREEMENT WITH THE CITY OF ST. AUGUSTINE AND AUTHORIZING THE EXECUTION OF SAID SUPPLEMENT TO INTERLOCAL AGREEMENT**

Jean Mangu said the resolution related to the Transportation Bond Issue, and in order to facilitate the financing structure, the gas tax levied in the County, currently expired in 2032 and in order to complete the Bond Issue and to maximize the financing structure, Public Financial Management has recommended that the Bond Issue go out to 2035. In order to do that the levy of the six-cent local option gas tax would need to be extended for that two-year period. She said the resolution would approve a supplement to the local option fuel tax interlocal agreement with the City of St. Augustine. She said it would continue the relationship for two more years with the extension of the gas tax.

(11:01 a.m.) **Motion by Maguire, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2006-444 approving a supplement to the local option fuel tax interlocal agreement with the City of St. Augustine and authorizing the execution of said supplement to the interlocal agreement.**

RESOLUTION NO. 2006-444

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A SUPPLEMENT TO THE INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE CITY OF ST. AUGUSTINE, FLORIDA, RELATING TO THE DISTRIBUTION OF THE COUNTY'S SIX CENT LOCAL OPTION FUEL TAX AMONG THE COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THE COUNTY; AND AUTHORIZING THE EXECUTION OF SAID SUPPLEMENT TO INTERLOCAL AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(11/14/06 - 17 - 11:02 a.m.)

5. PUBLIC HEARING - ORDINANCE EXTENDING THE SIX CENT LOCAL OPTION FUEL TAX - IN ORDER FOR THE COUNTY TO ISSUE ITS PROPOSED TRANSPORTATION IMPROVEMENT REVENUE BONDS, IT IS NECESSARY, DESIRABLE AND IN THE BEST INTEREST OF THE COUNTY TO REIMPOSE THE SIX (6) CENT LOCAL OPTION FUEL TAX THAT IS SCHEDULED TO EXPIRE IN THE YEAR 2032. THIS WILL REQUIRE THE COUNTY TO ENACT THE ATTACHED ORDINANCE THAT RELEVIES THE FUEL TAX BEYOND 2032 TO 2035

Proof of publication for the notice of public hearing regarding an ordinance extending the six-cent local option fuel tax was received having been published in *The St. Augustine Record* on October 28 and November 4, 2006.

Jean Mangu introduced the ordinance, which would actually extend the six-cent local option gas tax. She noted the City of St. Augustine had approved and signed the same Interlocal Agreement the previous night and it had been delivered to the County that morning.

(11:02 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to enact Ordinance 2006-135 extending the six-cent local option fuel tax.**

ORDINANCE NO. 2006-135

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, SUPPLEMENTING ST. JOHNS COUNTY ORDINANCE NO. 86-61 WHICH IS THE ORDINANCE THAT IMPOSED AND LEVIED THE COUNTY SIX (6) CENT LOCAL OPTION FUEL TAX. THIS ORDINANCE REIMPOSES, EXTENDS AND RELEVIES THE SIX (6) CENT LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL AND DIESEL FUEL SOLD IN ST. JOHNS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES; PROVIDES THAT THE REIMPOSITION, EXTENSION AND RELEVY SHALL BE EFFECTIVE JANUARY 1, 2033 AND EXTENDING TO DECEMBER 31, 2036; REDETERMINES THE METHOD OF DISTRIBUTION OF THE TAX REVENUE AMONG THE COUNTY AND MUNICIPALITIES PURSUANT TO A SUPPLEMENT TO AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE; PROVIDES FOR COLLECTION AND USE OF THE FUEL TAX; PROVIDES SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE

At 11:03 a.m., the Regular Meeting of the St. Johns County Board of County Commissioners was recessed and the St. Johns County Redevelopment Agency was convened.

(11/14/06 - 17 - 11:03 a.m.)

6. CONSIDER MOTION TO ADOPT A RESOLUTION OF THE ST. JOHNS COUNTY REDEVELOPMENT AGENCY AUTHORIZING THE VILANO BEACH REDEVELOPMENT PROJECT AND AUTHORIZING A VILANO BEACH THIRD INTERLOCAL REIMBURSEMENT AGREEMENT WITH ST.

JOHNS COUNTY IN CONNECTION WITH THE ISSUANCE OF THE COUNTY'S SALES TAX REVENUE BONDS, SERIES 2006

Jean Mangu introduced the Vilano Beach project that was included with the sales tax bond issue. She said a portion of the bond issue would be used to continue the development of the Vilano Beach Redevelopment Project. She noted that in connection with that action, the Vilano Beach Community Redevelopment area's tax increment revenues would be used to repay the County, so that the sales tax proceeds would not be needed to pay the debt. The tax increment revenues generated in the area would pay the debt for that project.

(11:04 a.m.) Carl "Bud" Markel, 136 Summerhill Circle, spoke in opposition and cited the example of West Augustine.

(11:10 a.m.) Stern said she supported the issue, and there were successes and changes in West Augustine due to the CRA, and the bad advice he had referred to, could be addressed by Jean Mangu, as they had run the numbers for the revenue being generated by the West Augustine CRA.

(11:13 a.m.) Markel responded and advised that increment financing meant that taxes were going up and should not be done on housing financing.

(11:16 a.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to adopt CRA Resolution No. 2006-9 of the St. Johns County Redevelopment Agency, authorizing the Vilano Beach redevelopment project and authorizing a Vilano Beach third interlocal reimbursement agreement with St. Johns County in connection with the issuance of the County's Sales Tax Revenue Bonds, Series 2006.**

CRA RESOLUTION NO. 2006-9

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

(11/14/06 - 18 - 11:17 a.m.)

7. CONSIDER MOTION TO ADOPT A RESOLUTION OF THE ST. JOHNS COUNTY REDEVELOPMENT AGENCY AUTHORIZING THE WEST AUGUSTINE REDEVELOPMENT PROJECT AND AUTHORIZING A WEST AUGUSTINE SECOND INTERLOCAL REIMBURSEMENT AGREEMENT WITH ST. JOHNS COUNTY IN CONNECTION WITH THE ISSUANCE OF THE COUNTY'S SALES TAX REVENUE BONDS, SERIES 2006

Jean Mangu said the item was a similar provision relating to the West Augustine project that was approved with the Sales Tax Bond Issue. She said it was an Interlocal Agreement relating to tax increment revenues generated within the West Augustine Redevelopment area and using those monies to reimburse the County for the debt service on the portion of the bonds that financed the project in West Augustine.

(11:19 a.m.) **Motion by Stern, seconded by Maguire, to adopt CRA Resolution No. 2006-10 of the St. Johns County Redevelopment Agency, authorizing the West**

Augustine redevelopment project and authorizing a West Augustine second interlocal reimbursement agreement with St. Johns County in connection with issuance of the County's Sales Tax Revenue Bonds, Series 2006.

(11:19 a.m.) Stevenson asked if adequate funds would be available to repay the debts. Mangu responded that projections showed adequate funds, and noted that the payback did not have to be matched each and every year, but revenues over the time period would essentially repay the debt. Stevenson said that for the record, she believed that the current revenue was not sufficient to repay the debt, but she did not say that in a manner of protest, and she did support the effort.

(11:21 a.m.) Doug Timms, Budget Director, said funds were not sufficient in 2007 but would accumulate, and they had not planned for it being met in the first year. He said West Augustine led Vilano in terms of taxing increment revenues, the information was valid, but valid concerns were also being expressed. He said the general fund would still stand behind the project and fund the debt service.

(11:23 a.m.) **The motion carried 5/0.**

CRA RESOLUTION NO. 2006-10

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

The St. Johns County Redevelopment Agency recessed at 11:23 a.m. and was reconvened as the Board of County Commissioners meeting.

(11/14/06 - 19 - 11:23 a.m.)

8. PUBLIC HEARING - MAJMOD 2006-06 WESTGATE BUSINESS PARK - THIS IS A REQUEST FOR A NEW ACCESS FROM COLLIN ROAD; DIRECTLY INTO WESTGATE BUSINESS PARK PUD SHOPPING CENTER. THIS NEW ACCESS IS IN ADDITION TO CURRENT ACCESS ON STATE ROAD16 ACROSS FROM LORD STREET. THIS REQUEST IS TO ALLOW FOR DIRECT ACCESS ON THE EASTERN SIDE OF THE SUBJECT PROPERTY. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING THE JULY 20, 2006 HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL 5/1. DISCUSSION DURING THE HEARING FOCUSED ON THE TRAFFIC MOVEMENT AT THE INTERSECTION OF SR16 AND COLLINS ROAD; PARTICULARLY THE VOLUME OF TRAFFIC EXPECTED ON COLLINS ROAD SOUTH AND ANY POTENTIAL IMPACT TO THE RESIDENTIAL COMMUNITY. A FDOT REPRESENTATIVE REPORTED DURING THE MEETING ON THE STATUS OF INSTALLING BOLLARDS ALONG THE NORTHSIDE OF SR16 TO PREVENT ILLEGAL TURN MOVEMENTS AT THE LIGHT TO HEAD WEST ALONG SR16. THE PZA ALSO DISCUSSED POTENTIAL TRAFFIC CALMING DEVICES SUCH AS SIGNAGE TO LIMIT THE TYPE OF VEHICLE (I.E. DELIVERY TRUCKS) THAT MAY ENTER COLLINS ROAD

Proof of publication of the notice of public hearing on Major Mod. 2006-06, Westgate Business Park, was received, having been published in *The St. Augustine Record* on October 30, 2006.

James Whitehouse, Assistant County Attorney, joined the meeting.

Lindsay Haga, Chief Planner, gave the presentation and gave additional handouts regarding Collins Road South, including a left thru lane and a right turn lane. She noted a discrepancy, that PZA had approved 5/1, the proposed improvements to Collins Rd. and recommendations for signage and traffic moving through the area.

(11:27 a.m.) There was discussion regarding traffic calming.

(11:29 a.m.) Stern declared ex-parte with Whitfield, Doug Laidlaw, Sherry Badger and Mr. Kerr regarding concerns of the community.

(11:30 a.m.) Maguire declared ex-parte with Whitfield, Laidlaw and Badger, and walked the road and measured the area.

(11:30 a.m.) Rich declared ex-parte with Badger and Laidlaw.

(11:31 a.m.) Stevenson declared ex-parte with Laidlaw, Badger, Kerr and Whitfield regarding ditches.

(11:31 a.m.) Randall Whitfield, applicant, asked that all speakers be affirmed. Whitehouse, Assistant County Attorney, said attorneys did not have to be sworn in, but they could be sworn in. McCormack said it was his advice that speakers did not have to be sworn in, but if any speaker wanted to be sworn in they would be allowed to.

(11:35 a.m.) Randall Whitfield, 7888 Gate Parkway, Beemer & Associates, Jacksonville, Tim White, Management Consulting, P. O. Box 48303, Jacksonville, Richard Wyzanski, Ash Properties, 7880 Gate Parkway, Suite 300, Jacksonville, and Richard McCubbin, 6675 Corporate Center Parkway, Ste. 112, Jacksonville, were sworn in by McCormack.

(11:39 a.m.) Whitfield gave the presentation, and stated that 57,000 square feet of retail and office space were in the existing retail center. Modification to the PUD was previously made for access onto Thomas Ave. but was eliminated from final approval. He said they were again asking for access to Thomas Ave. He said they had held a meeting at which neighbors were present, and they wanted to make access onto Collins Ave. safer for everyone.

(11:41 a.m.) Richard McKevin, CPA Engineers, retained by TAW Consulting, did a study of the roadway and gave his findings. He said about 23,000 vehicles traversed that area each day. He said about 33% of the vehicles made a u-turn at that intersection.

(11:44 a.m.) Whitfield said the only access to Westgate Plaza off of SR 16 was a right turn into the plaza, and current patterns would probably continue. He said the speed limit was 55 MPH and it was very dangerous. He reviewed the problems with entering and exiting the Plaza, and said they proposed a full intersection with lighting.

(11:48 p.m.) Tim White, TAW Consulting, reviewed the proposed design changes for the intersection. He addressed public concerns and explained the proposed solutions.

(11:56 a.m.) There was discussion on the traffic study, the right-of-way survey and the original as opposed to the current proposed use of the project. Whitfield gave a history

of the past actions. Additional discussion followed regarding buffering, fencing, garbage collection pads, noise and odors.

(12:16 p.m.) Whitfield said the PUD had been modified and was not the original one presented by Pierre Thompson. He said the DOT had not met their request for traffic cuts. He said there was sufficient right-of-way, as could be documented by staff. He implored them to look at the safety issue. He read a letter from Jim Scott of the DOT, which was in support of the proposal for a new driveway onto Collins Ave. to improve safety concerns. He said staff and Public Works were also in support of the improvement.

McCormack reminded the board that the applicant had not been requested to be sworn in and could be sworn in if they wished.

(12:23 p.m.) Drema Collins, 2780 S. Collins Ave., Sharon Badger, 2725 S. Collins Ave., Sherry Badger, 2772 S. Collins, Tina Tarashik, 1500 Southwood Place, Elizabeth Frazier, 541 Lawrence Ave., Kathy Heller, 4070 Quail Dr., Al Sesona, 394 N. Boulevard, Edward Plozner, 2765 S. Collins Ave., Robert Picard, James Lee, 511 Lawrence Ave., Brenda Lee, 511 Lawrence Ave., Diane Mills, 3455 Lewis Speedway, W.B. Carr, 2724 S. Collins Ave., John Strohin, 1270 Tangerine Dr., Bob Buckmaster, 1104 Kilmarin Ct., were all sworn in by Patrick McCormack, and all spoke in opposition to the project. Sharon Badger presented a list of 30 signatures from residents in opposition to the project.

(1:13 p.m.) In regard to a letter previously challenged, Whitfield, asked Scott if he wrote the letter and if he signed it since it had been challenged. Scott said the letter was from him and had been sent on DOT letterhead. He explained why the pump station was located where it was, addressed the right-of-way and said it was a total of 60 feet. He said they would maintain the drainage ditch and they were paying for road improvements. He said they were also replacing the sidewalk and doing everything they could to provide safety for the neighborhood. He said county staff was in support as was the Public Works Department and the DOT.

(1:26 p.m.) Deputy Clerk Lenora Newsome entered the meeting and Deputy Clerk Terry Bulla left the meeting.

(1:26 p.m.) Whitfield spoke on buffers. Haga spoke on the dumpster location and turn lane. She submitted paperwork from staff, Exhibit E. Discussion ensued.

(1:40 p.m.) Press Tompkins, County Engineer, stated that they reviewed this situation, County Staff supported it, and from a traffic safety standpoint, this would be a good fix for this intersection. Stern addressed ingress and egress. Whitfield spoke on truck access on Collins Avenue. Haga spoke on putting up signage on Collins Avenue to help the traffic problem. Stevenson spoke on the safety issue, and seeing a lot of concern for the privacy of the neighborhood. Rich spoke on the safety issue, and the access and exit on Collins Avenue. (1:50 p.m.) **Motion by Rich, seconded by Bryant, carried 4/1 with Stern opposed, to deny Major Modification application MAJMOD 2006-06, adopting the following findings of fact, as modified: the Westgate Business Park is not consistent with the goals, policies, and objectives of the 2015 St. Johns County Comprehensive Plan with reference to Section A.1.3.12 of the Comprehensive Plan, and finding as the modification of the Westgate Business Park is not consistent with part 5.03.00 of the St. Johns County Land Development Code, which provides standards for planned unit developments, and with the general standards of Section 5.03.02, with respect to compatibility with surrounding land uses and the safety of the effected citizens of the area.**

The meeting recessed at 1:48p.m. and reconvened at 2:14 p.m. with Stevenson not present.

The meeting moved to Item 13.

(11/14/06 - 22 - 2:16 p.m.)

9. PUBLIC HEARING - DEVAGREE 2006-12 - SR 207 CORRIDOR IMPROVEMENT GROUP DEVELOPMENT AGREEMENT - THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS. THE FIRST PUBLIC HEARING WAS HELD ON OCTOBER 31, 2006. AT THE CONCLUSION OF THE SECOND PUBLIC HEARING, A DECISION TO APPROVE, APPROVE WITH MODIFICATION OR DENY THE PROPOSED AGREEMENT IS REQUIRED. THE SR 207 CORRIDOR IMPROVEMENT GROUP, L.L.C. (CIG DEVELOPERS) HAS PROPOSED A DEVELOPMENT AGREEMENT (AGREEMENT) WITH ST. JOHNS COUNTY TO ADDRESS THE CAPACITY DEFICIENCIES IDENTIFIED IN THE CONCURRENCY REVIEWS FOR THE FOURTEEN (14) PROJECTS THAT ARE MEMBERS OF THE CORPORATION. THE PROPOSED AGREEMENT WILL SERVE AS THE CIG DEVELOPERS' COMMITMENT TO BUILD AND/OR FUND THE TRANSPORTATION FACILITIES NECESSARY TO SERVE THE IMPACTS OF THE PROPOSED CONCURRENCY DEVELOPMENT AS SUMMARIZED ON EXHIBIT "F" OF THE AGREEMENT, SPECIFICALLY IMPROVEMENTS THAT PROVIDE ADEQUATE ROADWAY CAPACITY AND INTERSECTION OPERATING CAPACITY IN THE OVERALL STUDY AREA IN ORDER TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS. THE PROPOSED ROADWAY AND INTERSECTION IMPROVEMENTS ARE LISTED ON EXHIBIT "G," AND GENERALLY DEPICTED ON EXHIBIT "I" OF THE AGREEMENT. THE CIG DEVELOPERS HAVE PROPOSED TO CONSTRUCT THE IMPROVEMENTS AT THE US 1/SR 312 INTERSECTION, BUT IN LIEU OF CONSTRUCTING THE REMAINING IMPROVEMENTS, PROVIDE A MONETARY PAYMENT TO ST. JOHNS COUNTY FOR CONSTRUCTION OF THE REMAINING IMPROVEMENTS, BASED ON COST ESTIMATES APPROVED BY THE COUNTY ENGINEER, WHICH INCLUDE A 25% CONTINGENCY, 5% FOR ADMINISTRATIVE COSTS, AND INFLATION TO THE YEAR 2009. THE PROPOSED AGREEMENT WAS REVIEWED BY THE CONCURRENCY REVIEW COMMITTEE (CRC) ON OCTOBER 19, 2006 AND OCTOBER 25, 2006. THE CRC RECOMMENDED APPROVAL OF THE PROPOSED AGREEMENT AT THE OCTOBER 25, 2006 MEETING BY A VOTE OF 3-0. THE CRC RECOMMENDATION FOR APPROVAL IS A FINDING THAT THE IMPROVEMENTS PROPOSED IN THE AGREEMENT ARE SUFFICIENT TO PROVIDE ADEQUATE CAPACITY TO ACCOMMODATE PROJECT TRAFFIC FOR THE DEVELOPMENT AS PROPOSED IN THE FOURTEEN CONCURRENCY APPLICATIONS, AND WAS BASED ON REVISIONS TO THE AGREEMENT THAT ADDRESSED OUTSTANDING COMMENTS, AND THE FINAL COST ESTIMATES AS APPROVED BY THE COUNTY ENGINEER. THE CRC DID NOT PROVIDE A RECOMMENDATION ON THE REQUEST FOR IMPACT FEE CREDITS WHICH DO NOT FALL WITHIN THE JURISDICTION OF THE CONCURRENCY REVIEW COMMITTEE. THE REVISED AGREEMENT, DATED 10/27/06, (PROVIDED TO THE BCC BY ADDENDUM ON OCTOBER 30, 2006) IS ATTACHED TO THIS AGENDA PACKAGE. NO CHANGES HAVE BEEN MADE TO THE TEXT OF THE AGREEMENT SINCE THE OCTOBER 30, 2006 ADDENDUM. TITLES WERE ADDED TO SEVERAL EXHIBITS AND THE COST ESTIMATE FOR EACH IMPROVEMENT WAS ADDED TO EXHIBIT "M" FOR CLARIFICATION AT THE REQUEST OF STAFF

Proof of publication of the notice of public hearing on DEVAGREE 2006-12 was received, having been published in *The St. Augustine Record* on October 16, 2006.

(2:16 p.m.) Maureen Ortagus, 1445 Masters Drive, spoke on road improvements. (2:17 p.m.) Stevenson returned to the meeting.

(2:20 p.m.) William Hartmann, P.E. Transportation Planning Manager, gave a presentation, stating that they were dealing with 14 different developments, Exhibit A. Rich spoke on homes and concurrency. Hartmann spoke on the Proportionate Fair Share Program. Rich asked about the pros and cons of doing it with the development agreement versus doing it with the Proportionate Fair Share. Hartmann reviewed the pros and cons. Hartmann gave a brief summary of the costs and priority rankings of the improvements proposed by the SR 207 CIG provision to reallocate impact fee credits.

(2:41 p.m.) Patrick McCormack, County Attorney, spoke on making some changes for clarification, to conform to the Code. He stated that the first item was on page 6 of the agreement, paragraph B, to add in the phrase "Which may include;" on page 7 typo corrections; further down in the paragraph, the developers recognize that they will continue to be responsible for the property in acquisition, cost of right-of-way, including any condemnation cost and fees; at the bottom of the paragraph, sort of a catch all safety phrase, "nothing here shall relieve the developers from the requirement to construct the SR 312 improvements; changed "performance bond" to "construction bond" to conform with the Land Development Code; and added in "or other security." McCormack stated that they added in the aggregate amount of 115%, on page 8, have the maintenance bond as 15%; in paragraph D, added "should any developer fail to timely cure default in payments of its individual amounts set forth in Exhibit J, its individual concurrency certificate listed in Exhibit H shall be voided, and that individual developer shall lose its right to concurrency under this agreement and its entitlement to impact fee credits under this agreement; changes, on page 9, added paragraph F; on page 10, the County is required to begin construction within three years pertaining to any building permit of the development property or portion thereof subject to the agreement practice, on page 14, changed the "developers obligation" to the "developers liability herein." Rich asked about dealing with the new issues involving school impacts in this same agreement. McCormack responded that he would like to take that under advisement while the presentation was going on, then he could consult with Staff. Hartmann mentioned that this was a development agreement that addressed deficiencies identified from current concurrency applications. Stevenson spoke on construction delays. Hartmann responded.

(2:59 p.m.) Doug Burnett, 170 Malaga Street, spoke on the development agreement changes and stated that the actual study was 30 pages long.

(3:02 p.m.) Carl "Bud" Markel, 137 Summerhill Circle, spoke on what was wrong with this item and on some things that stood out. He requested that the Board table this item and do more study on it.

(3:07 p.m.) Hartmann stated that they needed a motion for approval, subject to the changes suggested by McCormack, and also the revised Exhibit M, as referenced in the changes, Exhibit B. (3:08 p.m.) **Motion by Stern, seconded by Maguire, to approve the SR 207 Corridor Improvement Group Development Agreement (DEVAGREE 2006-12), including changes to the text and revised Exhibit M.** Rich spoke in opposition to the SR 207 Corridor Improvement Group Development Agreement. Stevenson spoke on impact fee credits. McCormack stated that they don't have school concurrency

figures from the School Board. He stated that the impact fees were transferable between properties, but not automatically, they would have to come back before the Board. Stevenson spoke on having a change in the PUD come back before the Board. Burnett spoke on construction costs. Hartmann spoke on the credit for US 1 and 312 improvements. He clarified transferring development rights and stated that the impact fee credits were not transferable unless they update Exhibit K. Stevenson stated that it was a form of pay and go. Bryant and Stern both stated that the improvements were needed. Maguire spoke on the whole project being organized, structured, and put together, directed by the County Commissioners and Staff. McCormack stated that every application would be considered, and an independent decision made by the Board. (3:25 p.m.) **The motion carried 3/2, with Rich and Stevenson opposed.**

(11/14/06 - 24 - 3:25 p.m.)

10. PUBLIC HEARING - MAJMOD 2006-20, MAGNOLIA HAMMOCK TOWNHOMES AT CYPRESS LAKES PUD - THE CYPRESS LAKES PUD CONSISTS OF 672.54 ACRES AND IS LOCATED ON THE SOUTH SIDE OF S.R. 207, 1/3 MILE WEST OF I-95. THE MAJOR MODIFICATION PROPOSES TO CHANGE THE COMMERCIAL PARCEL TO MULTIFAMILY TOWNHOMES TO BUILD A MAXIMUM OF 150 UNITS. THE MODIFICATION ALSO PROPOSES TO EXTEND THE PUD TIME FRAME FOR MAGNOLIA HAMMOCK WITHIN CYPRESS LAKES TO COMMENCE WITHIN THREE YEARS OF APPROVAL OF THE MAJOR MODIFICATION AND TO BE COMPLETED WITHIN FIVE YEARS OF COMMENCEMENT. THIS AREA OF CYPRESS LAKES IS CURRENTLY DESIGNATED AS COMMERCIAL AND ALLOWS COMMERCIAL GENERAL (CG) USES. SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF INTERNAL ROADS AND WILL MEET THE CRITERIA OF SECTION 6.02.06. THE PROJECT IS ALSO PROVIDING 17.56 ACRES OF OPEN SPACE OR 51% OF THE SITE. THERE IS ALSO 4.73 ACRES OF RECREATION BEING PROVIDED IN MAGNOLIA HAMMOCK, INCLUDING A POOL. IN ADDITION, THE OVERALL CYPRESS LAKES PUD HAS ADDITIONAL RECREATIONAL OPPORTUNITIES, INCLUDING AN 18 HOLE GOLF COURSE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE MODIFICATION AT THEIR NOVEMBER 2, 2006 MEETING, BY A VOTE OF 5 TO 2. THE CONCERNS EXPRESSED AT THE MEETING WERE CENTERED ON ENVIRONMENTAL IMPACTS OF THE PROJECT AND THAT COMMERCIAL WAS THE ORIGINAL PLAN OF DEVELOPMENT AND THAT WAS WHAT THE RESIDENTS PREFER

Proof of publication of the notice of public hearing on MAJMOD 2006-20, Magnolia Hammock Townhomes, was received, having been published in *The St. Augustine Record* on October 30, 2006.

Michael Blackford, Planner II, reviewed this item.

(3:27 p.m.) Doug Burnett, 170 Malaga Street, on behalf of Cordele Builders, gave a brief history on the project. Bryant asked about concurrency. Burnett showed the color version of a revised site plan. Stevenson spoke on the entrances. Burnett addressed buffering, landscaped berms, the lake area, and the preservation area around the lake. Stevenson commented on having the natural area instead of the commercial area. Burnett addressed Stevenson's concern. Stevenson commented on the rookery in the area.

(3:36 p.m.) Jimmy Johns, Solid Rock Engineering, addressed the concerns about impervious areas in the project.

(3:37 p.m.) Gerry Lord, 4832 Innisbrook Court, Elkton, spoke in opposition to the project.

(3:48 p.m.) James Stivers, 4620 Onion Creek Court, spoke in opposition to the project.

(3:54 p.m.) James D. Tucker, 4621 Legends Lane, Elkton, spoke in opposition to the project.

(3:56 p.m.) Gloria Polson, 4724 Innisbrook Court, Elkton, spoke in opposition to this project.

(3:57 p.m.) *Motion by Maguire to deny this permit based on findings of fact 2 and 6.* Bryant spoke on how the speakers were talking to the Commissioners. Stern commented on supporting the motion and explained why. Rich asked the maker of the motion to modify finding of fact 2 because it failed to meet the standards for compatibility and 6 because the modification would not be in the public interest or compatible with the surrounding land uses. Whitehouse suggested proceeding with public comments and the rebuttal. Stevenson addressed talking to Staff on land issues. McCormack spoke on defending the Board's decisions and asked that the motion be withdrawn. (4:12 p.m.) *Maguire withdrew his motion.*

(4:12 p.m.) Ronald Covato, 4552 Golf Ridge Drive, Elkton, spoke in opposition to the project.

(4:18 p.m.) John Harris, 5488 Cypress Lake Blvd., Elkton, spoke in opposition to the project.

(4:22 p.m.) Clark Williams, 4532 Golf Edge Drive, Elkton, spoke in opposition to the project.

(4:23 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Terry Bulla entered the meeting.

(4:28 p.m.) Rich said the crux of the matter was compatibility of the surrounding land uses of the people that live within the development. Williams said that was correct.

(4:30 p.m.) Cheryl Wyatt, 4441 Golf Ridge Dr., spoke in opposition. She read a letter from a representative of the Audubon Society into the record.

(4:36 p.m.) Adam Hoyles, 4355 Beverly Ave., Jacksonville, said he was the environmental biologist and wildlife consultant, hired to review the project. He said the difference between a roost and a rookery was important; a roost was anywhere a bird might land for the evening. He explained that what was protected was a rookery and there was no evidence of nesting. He said it was the wrong time of year to observe nesting, and rookeries were not commonly observed in that area.

(4:40 p.m.) Ward Koutnik, Designer Engineers, 6620 Southpoint Dr. South, Jacksonville, did the traffic impact study and said the traffic issue was in the low traffic density (B). He said if the area were developed, Cypress Links Road would drop to a D or E density.

(4:44 p.m.) Burnett questioned Michael Blackford about his opinion on the compatibility uses of the surrounding property.

(4:45 p.m.) Stevenson asked Teresa Bishop, Growth Management Services Director, the purpose of Mixed Use. Bishop responded that it was to allow a mixture of uses. Stevenson said this was planned as a mixed-use project and that she had a problem with having to provide a reason of compatibility. She said there wouldn't be any use in having PUD's because someone could come along and change them later. She said the public wanted the mixed use. She asked Bishop if it was a good location for commercial development. Bishop said it was appropriate even though residential was less intense.

(4:48 p.m.) Rich commented about compatibility as it related to intensity of use and the expectations of the people with regarded use.

(4:53 p.m.) Maguire commented on compatibility and said it was already defined within mixed use.

(4:54 p.m.) Motion by Maguire, seconded by Bryant, carried 5/0 to deny rezoning application PUD 2006-20, adopting findings of fact 2 and 6, relating to compatibility to the neighborhood, to support the motion, with extracted data from Comp Plan code sections A.1.3.12, about the compatibility and A.1.13.1, about the character of the existing neighborhoods in the surrounding areas that "shall be considered in the approval of all development proposals."

Burnett asked if they would waive the one year refiling requirement. Bryant said that was not in order, but he could approach the Board at another time to make that request.

The board recessed at 4:55 p.m. and reconvened at 5:14 p.m.

(11/14/06 - 26 - 5:14 p.m.)

11. PUBLIC HEARING - PUD 2005-43, FLORIDIAN AT ST. AUGUSTINE PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 39.77 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO CONSTRUCT UP TO 236 MULTI-FAMILY UNITS AND 20,000 SQUARE FEET OF COMMERCIAL. ALLOWED COMMERCIAL USES INCLUDE GENERAL OFFICE, MEDICAL OFFICE, AND GOVERNMENT OFFICE. THE SITE IS LOCATED OFF OF INMAN RD, JUST NORTH OF SR 16. THE MASTER DEVELOPMENT PLAN PROPOSES ONE ACCESS POINT OFF OF INMAN RD. THERE WILL BE A FIVE FOOT SIDEWALK ALONG INTERNAL ROADS AND THE APPLICANT WILL CONTRIBUTE TO THE SIDEWALK FUND FOR THE EXTERNAL SIDEWALK ALONG INMAN RD. A 10 FOOT PERIMETER BUFFER IS PROVIDED AROUND THE PERIMETER OF BOTH THE RESIDENTIAL AND COMMERCIAL PORTIONS OF THE PROJECT. THERE IS 17.67 ACRES OF OPEN SPACE PROVIDED OR 44% OF THE SITE. 2.90 ACRES OF DEVELOPMENT AREA HAS BEEN SET ASIDE FOR ACTIVE RECREATION. AMENITIES PROVIDED INCLUDE A POOL, TENNIS COURT, CLUBHOUSE, EXERCISE TRAIL AND TOT LOT. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PROJECT WILL BE DEVELOPED IN ONE FIVE YEAR PHASE. THE PROJECT SITE IS SURROUNDED BY THE FOLLOWING EXISTING ZONING CATEGORIES: OPEN RURAL (OR), INDUSTRIAL WAREHOUSE (IW), PLANNED UNIT DEVELOPMENT (PUD) AND PUBLIC SERVICE (PS). THE SURROUNDING FUTURE LAND USE IS MIXED USE DISTRICT (MD) AND RURAL SILVICULTURE (R/S). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL, UPON THE BOARD OF COUNTY COMMISSIONERS RESOLVING THE ONE OPEN ISSUE, OF THIS REZONING REQUEST AT THEIR NOVEMBER 2, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing regarding PUD 2005-43, Floridian at St. Augustine PUD, was received, having been published in *The St. Augustine Record* on November 9, 2006.

Michael Blackford, Planner II, gave the presentation and stated it was a request to rezone 39.77 acres from Open Rural (OR) to PUD for the construction of 236 multi-family units and 20,000 square feet of commercial. He said they would need a revised MVP, with 75 percent opacity, achieved by a wall or fence, vegetation or a berm. He said all issues had been resolved and PZA recommended approval by 6/0 and staff supported it.

(5:17 p.m.) Motion by Maguire, seconded by Stern, to enact Ordinance 2006-136, known as PUD 2005-43 Floridian at St. Augustine PUD adopting findings of fact one through seven to support the motion.

(5:19 p.m.) Rich said it abutted a training range where SWAT teams with guns were training. He said there was no worse place in St. Johns County to build any kind of housing unit, and it could not be approved. There was extended discussion regarding the activities of the firing range, with James Acosta, Fraternal Order of Police, 5050 Inman Rd., answering numerous questions from the Board.

(5:37 p.m.) George McClure, 81 King St., Ste. A, said that Mr. Atkerson had agreed to disclose the presence of a FOP firing range and had agreed to construct a berm, which would stop any stray round. He also emphasized that multi-family residences were now in that proximity and other businesses were also located in that area.

(5:41 p.m.) Charles Atkerson, 1260 Ponte Vedra Blvd., said that every precaution would be taken and they would notify all buyers. He said they would berm and plant the area and that he did not take it lightly.

(5:44 p.m.) McClure said it was a sales issue and a noise issue. He said they had taken every precaution and followed all the rules. There was discussion about the dangers to children, risk levels and risk management.

(5:52 p.m.) Maguire asked Acosta about the excitement of the range for little kids and what kind of safety practices they used to keep kids out. Acosta said there were two locked gates; a fence and a berm would keep individuals living in the houses from coming across. Maguire asked that the club institute a better safety policy and practices.

(5:57 p.m.) Bryant called for the vote; **motion carried 4/1, with Rich dissenting.**

ORDINANCE NO. 2006-136

**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**

Item No. 20 was heard next.

(11/14/06 - 28 - 6:07 p.m.)

12. PUBLIC HEARING - PUD 2006-02 OLDFIELD FOREST - THIS REQUEST SEEKS TO REZONE 282.54 ACRES FROM OPEN RURAL TO PUD IN ORDER TO CONSTRUCT UP TO 342 SINGLE FAMILY UNITS. THE SITE IS LOCATED NEAR THE INTERCHANGE OF I95 AND SR207. THE APPLICATION INCLUDES A DENSITY BONUS REQUEST FOR THE UPLAND PRESERVATION TO YIELD AN ADDITIONAL 36 UNITS BEYOND THE STRAIGHT DENSITY ALLOCATION OF 292 UNITS UNDER THE RESIDENTIAL B LAND USE CATEGORY. THE PROPOSAL ALSO INCLUDES A DENSITY BONUS REQUEST FOR THE PRESERVATION OF WETLANDS TO YIELD AN ADDITIONAL 27 UNITS. THE PLANNING AND ZONING AGENCY VOTED 6/0 TO RECOMMEND APPROVAL OF THIS PUD, INCLUDING THE WAIVER REQUEST (AS AMENDED) AND SUBJECT TO THE RESOLUTION OF THE OUTSTANDING COMMENTS DURING THE NOVEMBER 2, 2006 MEETING

Proof of publication of the notice of public hearing on PUD 2006-02, Oldfield Forest, was received, having been published in *The St. Augustine Record* on October 30, 2006.

Lindsay Haga, Chief Planner, gave the presentation, and Gary Davenport, 5378 4th Street, who represented the owner, said there was an effort to preserve large areas of wetlands and upland areas adjacent to wetlands as well. He said there was 100 percent concurrency for the project.

(6:11 p.m.) Stevenson asked about an access issue in the vicinity of I-95 and SR 207 and whether it could be resolved. Davenport said they would move to a better location and it would have to be worked out, and closer to but not where the flea market was now located.

(6:14 p.m.) **Motion by Stevenson, seconded by Stern, to enact Ordinance 2006-137, known as PUD 2006-02, Oldfield Forest, adopting findings of fact 1 through 7 to support the motion.**

(6:14 p.m.) Rich said he could not support the motion because of the SR 207 problem, which would soon turn into a failed intersection at I-95. **Motion carried 4/1, with Rich dissenting.**

ORDINANCE NO. 2006-137

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

(11/14/06 - 28 - 2:14 p.m.)

13. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF THE ST. JOHNS COUNTY TRANSIT DEVELOPMENT PLAN

A presentation packet was handed in, Exhibit A. **Motion by Bryant, seconded by Maguire, carried 4/0 with Stevenson absent, to adopt Resolution No. 2006-445, approving the terms and conditions of the St. Johns County Transit Development Plan.**

RESOLUTION NO. 2006-445

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ST. JOHNS COUNTY TEN YEAR TRANSIT DEVELOPMENT PLAN (TDP)

The meeting moved to item 9.

(11/14/06 - 29 - 6:16 p.m.)

14. PUBLIC HEARING - ATV ORDINANCE - THE FLORIDA LEGISLATURE RECENTLY ENACTED FLA. STAT. 316.2123, EFFECTIVE OCTOBER 1, 2006, WHICH ALLOWS ATVS TO BE OPERATED DURING THE DAYTIME BY A LICENSED DRIVER OR A MINOR UNDER THE SUPERVISION OF A LICENSED DRIVER ON UNPAVED ROADWAYS WHERE THE POSTED SPEED LIMIT IS LESS THAN 35 MPH. ALL-TERRAIN VEHICLES ("ATV'S") ARE DEFINED AS ANY MOTORIZED OFF-HIGHWAY VEHICLE 50" OR LESS IN WIDTH, HAVING A DRY WEIGHT OF 900 LBS. OR LESS, DESIGNED TO TRAVEL ON THREE OR MORE LOW-PRESSURE TIRES, HAVING A SEAT DESIGNED TO BE STRADDLED BY THE OPERATOR WITH NO PASSENGER. UPON ADVICE FROM THE ST. JOHNS COUNTY SHERIFF'S OFFICE, THE BOARD HAS DETERMINED THAT TO PERMIT THE USE OF ATV'S ON ITS UNPAVED ROADS WOULD BE UNSAFE, AND COULD LEAD TO ACCIDENTS, ROLL OVERS, SERIOUS INJURY AND DEATH. THE NEWLY CREATED FLORIDA STATUTE 316.2123 CONTAINS A PROVISION, WHICH ALLOWS THE COUNTY TO BE EXEMPT FROM SUCH SECTION. ENACTMENT OF THIS ORDINANCE WOULD EXEMPT ST. JOHNS COUNTY FROM THE PROVISIONS OF FLA. STATUS. 316.2123. ATV'S MAY NOT BE OPERATED DURING ANYTIME, DAY OR NIGHT, ON AN UNPAVED ROADWAY WITHIN ST. JOHNS COUNTY

Proof of publication of the notice of public hearing on Terrain ATV Vehicle was received, having been published in *The St. Augustine Record* on November 2, 2006.

James Whitehouse, Assistant County Attorney, gave the presentation and stated it was brought to their attention by Col. May at the Sheriff's Office. He said their recommendation was to exempt the County from that particular section of the statute, and thus ATV's may not be operated during anytime, day or night, on an unpaved roadway within St. Johns County. Stern mentioned that Flagler Estates had sent a message expressing their concern regarding the use of ATV's, which tore up their drainage and road system.

(6:19 p.m.) Motion by Stern, seconded by Stevenson, to enact Ordinance No. 2006-141 relating to the creation of Fla. Stat. 316.2123, All-Terrain Vehicle Operation on Certain Unpaved Roadways, as enacted by the 2006 session of the Florida Legislature.

Rich said the Sheriff was unaware of this ordinance and said the item should be discussed with other counties. He asked that it be tabled and asked to withdraw the motion. Bryant said he had discussed it with the Sheriff the previous day and they seemed to be ready to move forward. Stern said she had contacted McCormack and that the Sheriff's office had contacted him about it.

(6:24 p.m.) The motion carried 4/1, with Rich dissenting.

ORDINANCE NO. 2006-141

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE CREATION OF FLORIDA STATUTE 316.2123, ALL-TERRAIN VEHICLE (ATV) OPERATION ON CERTAIN UNPAVED ROADWAYS, AS ENACTED BY THE 2006 SESSION OF THE FLORIDA LEGISLATURE; PROVIDING FOR THE INTENT OF THE COUNTY TO BE EXEMPT FROM SUCH SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

(11/14/06 - 30 - 6:24 p.m.)

15. PUBLIC HEARING - AMENDMENT TO BUSINESS INCENTIVE ORDINANCE NO. 2006-99 - BUSINESS INCENTIVE ORDINANCE NO. 2006-99 WAS ENACTED AT THE AUGUST 22, 2006, BOARD OF COUNTY COMMISSIONERS MEETING. AFTER ENACTMENT, QUESTIONS AROSE ABOUT THE METHODOLOGY FOR DETERMINING INCENTIVES. IN ORDER TO ELIMINATE CONFUSION AND CLARIFY THE METHODOLOGY, IT WAS DETERMINED BY THE ECONOMIC DEVELOPMENT AGENCY ATTORNEY THAT AN ORDINANCE REVISION WOULD BE IN ORDER FOR PURPOSES OF CLARIFICATION AND SETTING FORTH, THROUGH EXAMPLES, THE ACTUAL METHODOLOGY FOR INCENTIVE CALCULATION

Proof of publication of the notice of public hearing on the Business Incentive Ordinance was received, having been published in *The St. Augustine Record* on November 2, 2006.

Michael Hunt gave the presentation in place of Karen Johnson, and stated it was an amendment to Business Incentive Ordinance No. 2006-99, for the purpose of clarification and setting forth, through examples, the actual methodology for incentive calculation.

(6:26 p.m.) **Motion by Maguire, seconded by Stern, to enact Ordinance No. 2006-138, amending Business Incentive Ordinance No. 2006-99.** (6:26 p.m.) Rich said it was an unfair law with sacred cow recipients. (6:28 p.m.) **The motion carried 4/1, with Rich dissenting.**

ORDINANCE NO. 2006-138

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING SECTION 1 OF EXISTING COUNTY ORDINANCE 2006-99, SO AS TO DELETE SUBSECTION (C) OF SECTION, AND RELETTER SECTION 1 AS NECESSARY; AMENDING SECTION 5 OF COUNTY ORDINANCE 2006-99, SO AS TO CLARIFY CERTAIN LANGUAGE, AND DELETE UNNECESSARY AND/OR DUPLICATIVE WORDING; AMENDING SECTION 6 OF EXISTING COUNTY ORDINANCE 2006-99 SO AS TO CLARIFY THE PROCESS FOR DETERMINING GRANT AMOUNTS; AMENDING EXHIBIT "B" OF COUNTY ORDINANCE NO. 2006-99 SO AS TO CLARIFY THE PROCESS FOR DETERMINING GRANT AMOUNTS, PROVIDING FOR A RATIONALE FOR AMENDING SECTION 6, AND EXHIBIT "B" OF COUNTY

ORDINANCE NO. 2006-99; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

(11/14/06 - 31 - 6:28 p.m.)

16. CONSIDER MOTION TO APPROVE THE DEFICIT FUNDING FOR THE ATTACHED LIST OF FY 07 DEPARTMENTS; AND TRANSFER THE NECESSARY FUNDS FROM COUNTY COMMISSION RESERVES TO ENSURE ADEQUATE FUNDING FOR THE APPROVED FY 07 BUDGETED POSITIONS`

Jesse Dunn gave the presentation and stated it was the result of an audit done by the Office of Management and Budget, Personnel and the Clerk of Court Finance Department at the beginning of the year for the FY 2007 Personnel Services. He said it was a control measure to make sure that personnel dollars were budgeted correctly.

(6:29 p.m.) Motion by Maguire, seconded by Stern, to approve the deficit funding for the attached list of FY 07 departments; and transfer the necessary funds from County Commission Reserves to ensure adequate funding for the approved FY 07 budgeted positions.

Stevenson said they should get budget approval before issuing pay increases. Dunn said the other option was to take it out of current operating funding. He said they were following the new procedure. He said those positions were currently receiving pay for which their was a deficit variance, it was an adjustment for the whole year.

(6:32 p.m.) Motion carried 5/0.

(11/14/06 - 31 - 6:32 p.m.)

17. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO AWARD THE LOW BID OF \$1,199,729.00, AND NEGOTIATE A CONTRACT WITH THE LOW BIDDER, ACON CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF ABERDEEN PARK BUILDINGS

Phyllis Thorp, St. Johns County Construction Services, for Mike Rubin, presented the proposal. General discussion ensued.

(6:34 p.m.) Motion by Stevenson, seconded by Maguire, carried 5/0, to authorize the County Administrator or his designee, to award the low bid of \$1,199,729.00 and negotiate a Contract with the low bidder, ACON Construction Company, Inc. for construction of Aberdeen Park Buildings.

(11/14/06 - 31 - 6:35 p.m.)

18. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND MAIN STREET COMMUNITY DEVELOPMENT DISTRICT, REGARDING THE CONSTRUCTION OF CERTAIN ROADWAY IMPROVEMENTS WITHIN THE PROPOSED COUNTY ROAD 244 ALIGNMENT, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE INTERLOCAL AGREEMENT ON BEHALF OF THE COUNTY AND MOTION TO APPROVE TRANSFER OF \$1,300,00 FROM ROAD IMPACT FEE ZONE A RESERVES (1186-59920) AND \$800,000 FROM CAPITAL IMPROVEMENTS- IMPROVEMENTS OTHER THAN BUILDINGS - NORTH BEACH DRAINAGE

PROJECT 0599 (114-56301) TO ROAD IMPACT FEE ZONE A MAJOR COLLECTOR ROADS (1185-56330) AND CAPITAL IMPROVEMENTS-MAJOR COLLECTOR ROADS (1114-56330)

Press Tompkins, County Engineer, gave the presentation regarding CR 244 Main Street CDD Interlocal Agreement and addition of the project to FY07 CIP.

(6:41 p.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to adopt Resolution 2006-447, approving the terms, provisions, conditions, and requirements of an Interlocal Agreement between the Board of County Commissioners of St. Johns County, Florida, and Main Street Community Development District, regarding the construction of certain roadway improvements within the proposed County Road 244 alignment, and authorizing the Chairperson of the Board of County Commissioners to execute the Interlocal Agreement on behalf of the County.**

(6:41 p.m.) Stern left the meeting.

Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to approve transfer of \$1,300,000 from Road Impact Fee Zone A Reserves (1186-59920) and \$800,000 from Capital Improvements- Improvements Other Than Buildings - North Beach Drainage Project 0599 (144-56301) to Road Impact Fee Zone A Major Collector Roads (1185-56330) and Capital Improvements - Major Collector Roads (1114-56330).

RESOLUTION NO. 2006-447

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN INTERLOCAL AGREEMENT BETWEEN MAIN STREET COMMUNITY DEVELOPMENT DISTRICT AND ST. JOHNS COUNTY FOR THE CONSTRUCTION OF THE COUNTY ROAD 244 AND APPROVED CERTAIN SHARED INTERSECTION IMPROVEMENTS

(11/14/06 -32- 6:42 p.m.)

19. PUBLIC HEARING - APPEAL TO PZA APPROVAL OF SPECIAL USE PERMIT/ZADMAPL 2006-06 THE CHURCH AT VILANO - THIS REQUEST IS AN APPEAL BY HENRY A. TOBIN, AN AGGRIEVED ADJACENT PROPERTY OWNER, OF A SPECIAL USE PERMIT APPROVED BY THE PLANNING AND ZONING AGENCY ON JULY 20, 2006. THE APPROVED SPECIAL USE ALLOWS FOR A CHURCH IN AN RS-3 ZONING DISTRICT AND ALSO ALLOWS FOR UNPAVED VEHICULAR USE (DRIVE) AND UNPAVED PARKING. THE PROPERTY IS LOCATED AT 121 MEADOW AVENUE. THE PLANNING AND ZONING AGENCY APPROVED THE USE, BY A VOTE OF 5 TO 0, WITH SPECIFIC CONDITIONS FOUND IN THE FORMAL ORDER DATED AUGUST 3, 2006 ATTACHED HERETO AS EXHIBIT A. ON SEPTEMBER 1, 2006 THE APPLICANT FILED AN APPEAL IN A TIMELY MANNER AS PRESCRIBED BY THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on ZADMAPL 2006-06, Meadows Avenue, was received, having been published in *The St. Augustine Record* on October 30, 2006.

Paras Desai, Assistant County Attorney, joined the meeting.

Marie Hobbs, Assistant Zoning Manager, gave the presentation and stated it was an appeal by Henry A. Tobin, an aggrieved adjacent property owner, of a Special Use Permit. She noted that Items 8 and 9 of the findings to support the special use were left off and the Board had since been supplied with a corrected cover page.

(6:43 p.m.) Stern returned to the meeting.

(6:43 p.m.) Maguire recused himself because he owned property one block away from the specified property.

(6:44 p.m.) Bruce Fletcher, 200 E. Forsyth St., Jacksonville, attorney for the applicant, gave the presentation for the appeal. He said that Mr. Tobin owned property in the area. He stated the granting of the special use permit represented an inconsistent expansion of non-residential into an established residential district. He said the premise was that the church was renting and the space became too small. He submitted that the side street area simply was not large enough to meet the needs of the expansion. He said there would be congestion, traffic problems, noise and diminished property values. He gave the PZA reasoning for the Formal Order issued on August 3, 2006. He cited Federal cases in Florida that dealt with land use regulation of churches in residential zoning districts, which clearly showed that a County could regulate religious organizations in a home in a residential district. He said that denial of the special use permit would not burden the practice of religion, as there was plenty of land within the County that could be zoned for church use, and thus the Federal law would not be triggered. He asked the Board to deny the special use permit based on the testimony they would hear.

(6:54 p.m.) Stevenson asked that the item be continued so they could have more time to consider the information. McCormack said he was familiar with the cases and that Fletchers description of the law was representative. He said the Board could continue for a brief period if they needed more information. He said the applicant could request a continuance or not object. He said the church also had rights and they did not want to wait on those rights. He said any continuance should be for a brief period of time.

Discussion ensued regarding the request and the differing elements involved. Rich declared ex-parte and called Mr. Tobin to get some of his questions answered. Several Board members concurred that it would be appropriate to table the item until they could get enough information to make a good informed decision.

Bryant asked if any of the public wanted to speak that evening.

(7:06 p.m.) Sam Schlegel, 131 Bobwhite Rd., Pastor at the Church at Vilano, referred to the design review manual of the County, which read "an application of appeal must be submitted along with a narrative of reasons for appeal citing the alleged adverse affect being suffered by the appellant and/or those who share the adverse affect." He said there had been no specific objections, and therefore the appeal was not complete within the 30-day deadline. McCormack stated that they did have to provide some reason for the basis of the appeal. He said there was not a lot of meaningful information in the appeal, however the reasoning met the threshold for an appeal. Bryant said they had to get permission from the applicant for a continuance. Fletcher said they would agree to a continuance. Bryant said the public would be allowed to speak, and would be allowed to speak again if they were providing new pertinent information.

(7:09 p.m.) Vivian Browning, 30 Beachcomber Way, said she had worked with the church for several years, and it was a positive community asset. She noted it was not in a totally residential community, and asked that the church be given a Special Use

Permit, as there was plenty of parking. She said there was no other church in Vilano Beach.

(7:12 p.m.) Stevenson said she just realized that she was presenting before a Board some members of which would not be sitting in the next meeting. Bryant suggested a transcript could be given to the new commissioners, and the next packet would include the public comments.

(7:14 p.m.) Stern said she wanted to move forward, but was in a minority. She said the new board needed to hear what Browning had just said.

(7:15 p.m.) Bryant said Maguire had to recuse himself, and that would probably make a 2 to 2 vote. Browning said she would come back.

(7:16 p.m.) Lisa Lloyd, 132 Surfside, said she lived next to and adjacent to the church, and she had not heard any grounds for the appeal. She said she was happy with them coming in because it was a known quantity and it was a one time use.

(7:19 p.m.) Barbara Jenness, 4300 Coastal Highway, as real estate agent for the church, spoke in favor of the request and asked them to support it.

(7:21 p.m.) Elizabeth Betty Ann Schlegel, stated she was the pastor's wife and had worked with the church for 3 ½ years, and they wanted what was best for the community. She said their activities were not secular, and they served to teach the youth, children and members of the church. She said she would like to speak again.

(7:23 p.m.) Fletcher said his clients would prefer to speak before the entire new Board. Rich encouraged them to seek common ground.

(7:24 p.m.) Motion by Stevenson, seconded by Rich, carried 5/0, to continue the item until Dec. 12 at 9:00 a.m.

(11/14/06 - 34 - 5:58 p.m.)

20. PUBLIC HEARING - NOPC 2006-08 WORLD COMMERCE CENTER DRI - THE WORLD COMMERCE CENTER DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER WAS APPROVED DECEMBER 10, 2002 BY RESOLUTION 2002-267. THE NOTICE OF PROPOSED CHANGE REQUEST PROPOSES TO MODIFY THE DEVELOPMENT ORDER TO REVISE SPECIAL CONDITION 24 OF THE AFFORDABLE HOUSING SECTION OF THE WORLD COMMERCE CENTER DEVELOPMENT ORDER (RES. 2002-267) TO REVISE THE SECOND PARAGRAPH (PHASE 1 ONLY) OF THAT SECTION TO ALLOW FOR THE DONATION OF TWELVE (12) CONTIGUOUS DEVELOPABLE ACRES TO ST. JOHNS COUNTY TO BE UTILIZED FOR THE DEVELOPMENT OF A SKILLED CARE NURSING FACILITY FOR VETERANS OF THE UNITED STATES MILITARY; AND TO SUBSTITUTE A NEW CONVERSION TABLE FOR THE ONE LISTED AS PART A OF EXHIBIT 4 IN THE ORIGINAL DEVELOPMENT ORDER

Proof of publication of the notice of public hearing on NOPC 2006-08, World Commerce Center was received, having been published in *The St. Augustine Record* on October 18, 2006.

Jason Cleghorn, Planner III, gave the presentation and stated it was a Notice of Proposed Change (NOPC) to the World Commerce Center DRI to allow for the donation of twelve contiguous developable acres in St. Johns County to be utilized for

the development of a skilled care nursing facility for veterans of the United States Military; and to substitute a new conversion table for the one listed as Part A of Exhibit 4 in the original Development Order.

(6:01 p.m.) **Motion by Maguire, seconded by Stern, to adopt Resolution 2006-446, approving a Notice of Proposed Change to the World Commerce Center DRI Development Order, adopting Findings of Fact 1 - 4 to support the motion.** There was general discussion regarding changes made to the Part A Conversion Table and the various land uses permitted. Stevenson stated that she supported the VA but was not able to support the change on the conversion table.

(6:06 p.m.) **Motion carried 4/1, with Stevenson dissenting.**

RESOLUTION NO. 2006-446

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE WORLD COMMERCE CENTER DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON DECEMBER 10, 2002, UNDER RESOLUTION 2002-267; AND PREVIOUSLY MODIFIED BY RESOLUTION 2004-153, APPROVED JUNE 22, 2004; AND RESOLUTION NO. 2005-292, APPROVED AUGUST 4, 2005, FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

Item No. 12 was heard next.

(11/14/06 - 35 - 7:29 p.m.)

21. PUBLIC HEARING - REZ 2006-37 KIGHT - COUNTRYWALK PUD - THIS IS A REQUEST TO REZONE .3 ACRES FROM PUD TO RESIDENTIAL SINGLE FAMILY (RS-3). THE PROPERTY WAS INADVERTENTLY INCLUDED IN COUNTRYWALK PUD REZONING (ORDINANCE 2004-35) DUE TO LEGAL DESCRIPTION ISSUES RESULTING FROM THE PLATTING AND REPLATTING OF VERMONT HEIGHTS SUBDIVISION. THIS REQUEST WOULD RETURN THE PROPERTY TO ITS PREVIOUS ZONING OF RS-3. THE PARCELS ARE LOCATED IN VERMONT HEIGHTS SUBDIVISION OFF OF THIRTEENTH AND FOURTEENTH STREET. THE PROPERTY IS IN RESIDENTIAL-B FUTURE LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. ADJACENT ZONINGS ARE RS-3 AND PLANNED UNIT DEVELOPMENT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR NOVEMBER 2, 2006 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on REZ 2006-37, SJC Growth Management, was received, having been published in *The St. Augustine Record* on October 31, 2006.

Michael Blackford, gave the presentation and said it was a request to rezone .32 acres from PUD to RS-3 and was located on the south side of SR 207 within Vermont Heights Subdivision. He noted that the property was inadvertently included in Countrywalk PUD rezoning due to legal description issues resulting from the platting and re-platting of Vermont Heights subdivision, and this request would return the property to its previous zoning of RS-3.

(7:32 p.m.) Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance 2006-139, known as REZ2006-37 Kight, Countrywalk PUD rezoning, adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2006-139

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) TO RESIDENTIAL SINGLE FAMILY (RS-3) AND AMENDING ORDINANCE NO. 2004-35 TO REMOVE SAID LANDS FROM THE LEGAL DESCRIPTION CONTAINED HEREIN; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(11/14/06 - 36 - 7:32 p.m.)

22. PUBLIC HEARING - MAJMOD 2006-21, PLAYERS CLUB PUD (VERANDA) - THIS IS A MAJOR MODIFICATION TO THE PLAYERS CLUB PUD (ORDINANCE 1975-15, AS AMENDED) TO MODIFY THE VERANDA FINAL DEVELOPMENT PLAN (1996-224) IN ORDER TO PLACE A BAR / NIGHTCLUB AS A PERMITTED USE WITHIN THE VERANDA OFFICE PARK ALLOWING FOR LIMITED OUTDOOR ENTERTAINMENT; CONDENSE DIRECTORY SIGNAGE INTO A SINGLE LOCATION AND REDUCE OVERALL SIZE, CONVERT PARKING REQUIREMENTS TO CURRENT LDC REQUIREMENTS AND DEFINE THE INDIVIDUAL BUILDING SIGNAGE FOR BUILDINGS 1-6. THE PLANNING AND ZONING AGENCY MADE A RECOMMENDATION TO APPROVE THIS MODIFICATION, INCLUDING THE LIMITATION FOR OUTDOOR ENTERTAINMENT, AT ITS NOVEMBER 2, 2006 MEETING BY A VOTE OF 6/0 (SHEPARD/BARRETT). DISCUSSION DURING THE MEETING CENTERED ON CLARIFYING THE LIMITATION FOR OUTDOOR USAGE

Proof of publication of the notice of public hearing on MAJMOD 2006-21, Veranda, was received, having been published in *The St. Augustine Record* on October 30, 2006.

Lindsay Haga gave the presentation and reviewed the request. Stevenson said signage was a big issue in that community and she was sensitive to it.

(7:37 p.m.) Sidney Ansbacher, Upchurch Bailey and Upchurch, 780 N. Ponce de Leon Blvd., who represented the applicants, gave a presentation on the requested items. He gave a history of what had previously transpired on the project.

(7:47 p.m.) Maguire asked why they were coming to the Board if the signage had already been approved. Ansbacher said they were simply trying to clarify what the site plan was. He said the Ruths Chris Steakhouse signage was in question and historically the interpretation had been that a corner building was permitted a side sign. Maguire said he would support the bar and nightclub use and the parking plan, but he could not support the signage plan, because of a previous commitment to the community. Maguire said they did not have to go to the ARC to do what they wanted to do, in terms of the maximum size. Ansbacher agreed. Maguire suggested that they do what they were already allowed to do.

(7:51 p.m.) Ansbacher talked with his client, who said they would like to get a sense of the general view of the Board. The Board agreed to support Maguire. Ansbacher said the concern they had was what constituted the frontage. He said they felt the County had already established it by previous approvals. He said they would consent to the severing of the sign and would talk with their tenant about how to proceed with the Ruths Chris Steakhouse matter.

(7:55 p.m.) **Motion by Maguire, seconded by Rich, to enact Ordinance 2006-140, known as MAJMOD 2006-21, adopting findings of fact 1-6 to support the motion, which does not include the sign related issues, as the applicant already had certain legal capabilities. Rich asked if the maker of the motion would include times of operation from 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. Maguire agreed. (7:57 a.m.) Stern read a letter into the record from Clara Cowan. The motion carried 5/0.**

ORDINANCE NO. 2006-140

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO THE PLAYERS CLUB (PUD),
ORDINANCE NUMBER 1975-15 AND FDP 1996-224, AS
AMENDED, MAKING FINDINGS OF FACT;
REQUIRING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING FOR AN
EFFECTIVE DATE

(7:58 p.m.) Bryant stated he wanted to recess the Board of County Commissioners meeting and reconvene the St. Johns County Redevelopment Agency meeting to get a motion to adjourn that meeting.

(7:58 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0 to adjourn the CRA meeting.**

(7:58 p.m.) Bryant reconvened the Board of County Commissioners meeting.

(11/14/06 - 37 - 7:59 p.m.)
COMMISSIONERS' REPORTS

Commissioner Rich
Rich had no report.

Commissioner Stevenson
Stevenson commented on Consent Item 33, transit items, and recognized developers' contributions towards transit improvements.

Commissioner Bryant
Bryant thanked Maguire and Stern for the opportunity to serve with them for the last four years. He said the recognition they had received that morning was representative of all the hard work they had done.

Commissioner Maguire
Maguire said that Hunt had filed an EEOC complaint. McCormack said they had been informed of it but he had received an official document. Maguire said there were potentially three commissioners who could be involved in that and asked if the County would cover their legal expenses to represent them, if necessary. McCormack said it was his understanding that it was not automatic for an EEOC complaint. Bryant said

he thought it was automatic. Maguire asked if it was automatic or not automatic. Maguire said it would depend on the facts and in that case the facts would have it covered. Maguire said that if it was not covered automatically that he would make a resolution that would cover them.

Commissioner Stern

Stern thanked Bryant for his kind remarks. She said she had attended a Tri-County Growth Management meeting at the Hastings Demonstration Unit. She said it was because of the Board's support that it had been brought about and become so successful. She said it would be a true state of the art demonstration unit. She also asked them to attend the Northeast Florida Regional Council Elected Officials Reception on November 30. She said she would be accepting the Regional Council Excellence in Affordable Housing Award.

(11/14/06 - 39 - 8:06 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Locklear stated they were approaching completion of the Growth Management Permit Building and tours would be provided for commissioners who were interested. He said they would start moving people in over the next month and a half.

(11/14/06 - 39 - 8:07 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack had no report.

Whitehouse had no report.

(11/14/06 - 39 - 8:07 p.m.)

CLERK OF COURT'S REPORT

There was no report.

(8:08 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 8:08 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 392167 through 392554, totaling \$2,558,065.07 (10/24/06)
2. St. Johns County Board of County Commissioners Check Register, Check No. 392555 through 392585, totaling \$55,873.12 (10/26/06)
3. St. Johns County Board of County Commissioners Check Register, Check No. 392586 through 392991, totaling \$4,923,172.00 (10/31/06)
4. St. Johns County Board of County Commissioners Check Register, Check No. 392992 through 392995, totaling \$10,399.80 (11/01/06)
5. St. Johns County Board of County Commissioners Check Register, Check No. 392996 through 393001, totaling \$166,848.65 (11/06/01)

CORRESPONDENCE:

1. Letter dated October 23, 2006, from Jack Gaskins, Jr. regarding Madeira Community Development District
2. Letter dated October 31, 2006, to Misty Pearson, Bureau of Administrative Code, regarding Ordinance No. 2006-124 adding missing pages.
3. Letter dated November 6, 2006, to Liz Cloud, Program Administrator, filing St. Johns County Ordinance Nos. 2006-125 through 2006-130

4. Letter dated November 7, 2006, to Liz Cloud, Program Administrator, filing St. Johns County Ordinance Nos. 2006-131 through 2006-134

Approved December 12, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk

