

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 6, 2007
(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: Ben Rich, District 3, Chairman
Thomas G. Manuel, District 4, Vice Chair
Cyndi Stevenson, District 1
Ron Sanchez, District 2
James Bryant, District 5
Waldemar Kropacek, Interim County Administrator
Patrick McCormack, County Attorney
Terry Bulla, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(02/06/07 -1 - 9:02 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(02/06/07 - 1 - 9:02 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(02/06/07 - 1 - 9:03 a.m.)
Sanchez gave the Invocation, and Stevenson led the Pledge of Allegiance.

(02/06/07 - 1 - 9:06 a.m.)
PROCLAMATION RECOGNIZING FEBRUARY 6, 2007 AS 911 PROFESSIONALS DAY

Commissioner Rich presented the proclamation which was accepted by Joel Bolanté, St. Johns County Sheriff's Department, Chief Luders, St. Augustine Police Department, Chief Hedges, St. Augustine Beach Police Department, Jeff Prevatt, St. Johns County Fire Service, John Rayno, St. Augustine Fire Department, Gia Reynolds, Fire Services Communications and Francesca Anderson E911 Office.

(02/06/07 - 1 - 9:09 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 8, 2007 AS STEP UP FLORIDA DAY

Commissioner Bryant presented the proclamation which was accepted by Dr. Dawn C. Allcock, Director St. Johns County Health Department and Bunny Richards, Assistant Director of St. Johns County Health Department.

(02/06/07 - 1 - 9:15 a.m.)
PROCLAMATION DESIGNATING FEBRUARY 2007 AS BLACK HISTORY MONTH

Commissioner Stevenson presented the proclamation which was received by Dr. Ben Coney on behalf of all the African American employees of St. Johns County.

(02/06/07 - 2 - 9:18 a.m.)

PROCLAMATION DESIGNATING FEBRUARY 2007 AS ST. JOHNS READS MONTH

Commissioner Sanchez gave the presentation which was accepted by Harold George and Susan Flynn of the St. Johns County Library System and Friends of the Library. Mr. George presented each Commissioner with a copy of *Lay That Trumpet in Our Hands*.

(02/06/07 - 2 - 9:23 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Bryant, seconded by Manuel, carried 5/0, to accept the proclamations as presented.

(02/06/07 - 2 - 9:24 a.m.)

PUBLIC COMMENT

Bonnie Barnes, Executive Director, St. Johns Vision, One News Place, St. Augustine, spoke regarding a workshop held in October 2006 featuring Dan Burden, held by St. Johns Vision and some of the ideas that resulted from that workshop. She noted other ideas generated and events taking place as well. She requested that a video of that workshop be allowed to be broadcast on the Government Channel. She said it would help educate the citizens of the County and give them the tools they needed to help make intelligent suggestions to assist the Board in their decisions.

Bryant suggested that they air the program. Manuel concurred. McCormack said it could be done lawfully. Rich said he was not in support of airing it as it would open a Pandora's Box for other similarly funded projects. Bryant said Channel 2 was also local access and could broadcast generalized programming. Rich requested McCormack to give them information on whether others would have the same access to the Government Channel and any unintended consequences that might result. Stevenson said she would support the concept if they could find innovative ways to focus on the brevity of the concept.

(9:34 a.m.) Vivian Browning, 30 Beachcomber Way, Vilano Beach, stated she was on the Board of Directors for St. Johns Vision and expressed support for the workshop just discussed. She noted Dan Burden was providing citizens with "best practices", and said it was a tangible way to develop solutions to problems.

(9:37 a.m.) James O'Toole, 125 Seaside Circle, Ponte Vedra Beach, spoke regarding the whistle blower incident at the library and expressed concern because there was no internal investigation to find facts. He also said he was concerned about the issue of fraud, waste and abuse and was pleased to see they were beginning to take action in that area. Manuel stated that the Whistle Blower Act and said that Cheryl Strickland, Clerk of Court would be the Administrator because she performed the auditing functions, and it was outside the everyday function of the County.

McCormack responded that the issues pertaining to the Ponte Vedra Library were many and was being reviewed by an outside reviewer that the County had retained. He said the issue pertaining to the signature cards had been dealt with by the County Administrator and action had been taken pertaining to that, and other library issues were still being reviewed. McCormack reported that several recommendations had been made, some pertaining to the Administrative Code and also pertaining to the issue regarding the signature cards. Stevenson commented on what was and was not

appropriate and said that the Administrative Code outlined that. She suggested that it should be emphasized during administrative training.

Rich stated the Florida Department of Law Enforcement had completed their investigation and was not proceeding with the issue. O'Toole said it was extremely important that employees not be intimidated by a boss and that they had no recourse. Rich said our Administrative Code covered the situation, and a position description was being developed for the new oversight position.

(02/06/07 - 3 - 9:47 a.m.)

DELETIONS TO CONSENT AGENDA

McCormack requested that Items 12 & 13 be deleted from the Consent Agenda. Sanchez requested that Item 16 be pulled and added at the end of the Regular Agenda as Item 16A.

(02/06/07 - 3 - 9:49 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
12/28/06 - BCC Special Meeting
01/09/07 - BCC Regular Meeting
01/16/07 - BCC Special Meeting
3. Sheriff's Office Bonds:
Approve: Joseph Bennett Justus Self-Medlin Michael Santoriello
Kermit Kidder Tonia Menard Jason Schwartzberg
Charles Simpkins James Rousseau Gary Martin
Lindsay Willis John Birdwell Joanne Pius
Diana Decker Nancy Seidner
4. Motion to adopt **Resolution No. 2007-24** authorizing the County Administrator, or his designee, to sign the attached Memorandum of Agreement with the Naval Air Station, Jacksonville, Florida

RESOLUTION NO. 2007- 24

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MEMORANDUM OF AGREEMENT BETWEEN THE NAVAL AIR STATION JACKSONVILLE, FLORIDA AND ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR THE DONATION AND COLLECTION OF WASTE VEGETABLE OIL FOR USE IN PRODUCING BIODIESEL AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

5. Motion to authorize the County Administrator or his designee, to approve only The Auchter Company, Perry-McCall Construction, Inc., Elkins Constructors, Inc., The Tower Group, Danis Building Construction Co., Barton Malow Construction Services and James A. Cummings, Inc. to bid the new St. Johns County Administration project
6. Motion to approve the transfer of \$2,500 from 04 Sales Tax Bond Fund Capital Outlay Reserves 3366-59927 to Medical Examiner Buildings 3363-56200 for the completion of additional needed items to the Medical Examiner Relocation Project
7. Motion to adopt **Resolution No. 2007-25** authorizing the County Administrator to enter into a Grant Agreement with NEFLIN, and recognizing unanticipated revenue in the amount of \$4,391.97 and increasing the General Fund – Culture & Recreation-State Grant (0001-33470) and increasing the expenditure budget of the Library Computer Equipment Line Item (0078-56403-1094-56403) in the same amount

RESOLUTION NO. 2007- 25

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A GRANT AGREEMENT WITH NEFLIN AND AMENDING THE FISCAL YEAR 2007 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE LIBRARY SYSTEM

8. Motion to adopt **Resolution No. 2007-26** recognizing unanticipated revenue in the amount of \$5,543.21 from VFIS and \$4,779.11 from Flagler Hospital and increasing the vehicle maintenance expenditure account 1224-54602 and communications expenditure account 1224-54100 by the same amount

RESOLUTION NO. 2007- 26

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2007 FIRE SERVICES BUDGET TO RECEIVE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING REPAIRS TO A COUNTY FIRE VEHICLE AND PARTNERING WITH FLAGLER HOSPITAL TO TRANSMIT ECG DATA TO THE EMERGENCY DEPARTMENT

9. Motion to adopt **Resolution No. 2007-27** approving Final Plat for Bartram Downs Unit Three Lot 4 Replat

RESOLUTION NO. 2007- 27

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR BARTRAM DOWNS UNIT THREE LOT 4

10. Motion to adopt **Resolution No. 2007-28** approving Final Plat for Big Oaks Subdivision

RESOLUTION NO. 2007- 28

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR BIG OAKS

11. Motion to adopt **Resolution No. 2007-29** approving Final Plat for Istorina Unit Two

RESOLUTION NO. 2007- 29

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ISTORIA UNIT TWO

This item was pulled.

12. Motion to adopt a Resolution approving Final Plat for Estates of Tuscany Phase 2A

This item was pulled.

13. Motion to adopt a Resolution approving Final Plat for Estates of Tuscany Phase 2A-1

14. Motion to adopt **Resolution No. 2007-30** approving Final Plat for Riverwood by Del Webb - Phase 1

RESOLUTION NO. 2007- 30

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR RIVERWOOD BY DEL WEBB - PHASE - 1

15. Motion to adopt **Resolution No. 2007-31** approving Final Plat for Marsh Harbor at Palm Valley Unit Three

RESOLUTION NO. 2007- 31

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSH HARBOR AT PALM VALLEY UNIT THREE

This item was moved to the Regular Agenda as Item 16A.

16. Motion to adopt a Resolution approving Final Plat for County Road 2209 - North Segment

17. Motion to authorize the County Administrator, or his designee, to purchase fourteen [14] 2007 ½ ton and ¾ ton pickup trucks 4X2 and 4X4 from Tropical Ford in accordance with Bid No. 07-31 in the amount of \$218,475.00

18. Motion to authorize the Recreation and Parks Department to apply for the 2007 Florida Inland Navigation District Waterways Assistance Program Grant for Phase I design and permitting of the Alpine Groves Park Fishing Pier
19. Motion to authorize the Recreation and Parks Department to apply for the 2007 Florida Inland Navigational District Waterways Assistance Program Grant for Phase II construction of the Frank Butler West Boat Ramp
20. Motion to authorize the Recreation and Parks Department to apply for the 2007 Florida Inland Navigational District Waterways Assistance Program Grant for Phase II construction of the Shore Drive Boat Ramp
21. Motion to approve the transfer of \$ 41,955 from TTF Capital Outlay Reserves [1131 59927]to Transportation Capital Projects Improvements o/t Buildings [1114-56301] to fund Moultrie Creek bluff stabilization improvements
22. Motion to approve the transfer of \$6,000 from NW Tower Fund Capital Outlay Reserves 1200-59927 to NW Tower Aid to Private Organizations 1200-58200 for the construction of Baseball Batting Cages
23. Motion to adopt **Resolution No. 2007-32** accepting a Special Warranty Deed for a forty acre site needed for construction of the Northwest Area Regional Wastewater Treatment Plant in SilverLeaf Planned Unit Development

RESOLUTION NO. 2007- 32

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FOR A FORTY ACRE SITE NEEDED FOR CONSTRUCTION OF THE NORTHWEST AREA REGIONAL WASTEWATER TREATMENT PLANT LOCATED WITHIN THE SILVERLEAF PLANNED UNIT DEVELOPMENT OFF OF THE PROPOSED COUNTY ROAD 2209

24. Motion to adopt **Resolution No. 2007-33** accepting a donation of property for a Conservation Site and authorizing the County Administrator to execute a Donation Agreement for property in Flagler Estates Subdivision

RESOLUTION NO. 2007- 33

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DONATION OF PROPERTY FOR A CONSERVATION SITE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DONATION AGREEMENT FOR PROPERTY IN FLAGLER ESTATES

25. Motion to adopt **Resolution No. 2007-34** authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property required for Segment III of the West King Street Improvement Project (Fifth of Six Parcels)

RESOLUTION NO. 2007- 34

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

26. Motion to adopt **Resolution No. 2007-35** accepting the terms of an Amendment to the Lease Agreement between St. Johns County and St. Johns County Welfare Federation for the Bayview Care Center and authorizing the Interim County Administrator to execute said Amendment

RESOLUTION NO. 2007- 35

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY WELFARE FEDERATION FOR THE BAYVIEW CARE CENTER AND AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE SAID AMENDMENT

27. Motion to adopt **Resolution No. 2007-36** authorizing a donation of two lots to the Habitat for Humanity and authorizing the Chairman of the Board to execute the County Deed

RESOLUTION NO. 2007- 36

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A DONATION OF TWO LOTS TO THE HABITAT FOR HUMANITY FOR THE PURPOSE OF CONSTRUCTING A HOME FOR AN INDIVIDUAL RAISING SIX SIBLINGS

28. Motion to adopt **Resolution No. 2007-37** accepting the terms of the amendment to the contract between St. Johns County Board of County Commissioners and Florida Department of Juvenile Justice and authorizing the County Administrator to execute the Amendment on behalf of the County

RESOLUTION NO. 2007- 37

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT TO THE CONTRACT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND FLORIDA DEPARTMENT OF JUVENILE JUSTICE AND AMENDING THE FISCAL YEAR 2007 MENTAL HEALTH FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURES BY THE MENTAL HEALTH DEPARTMENT

29. Motion to approve the transfer of \$22,520 from General Fund Reserves 0083-59920 to Detention Facilities 0042-54600 for the installation of 4 coils to repair and maintain the chillers at the Criminal Justice Facility and Motion to adopt **Resolution No. 2007-41** recognizing unanticipated revenue in the amount of \$10,783 in General Fund insurance proceeds 0001-36402 and increasing the Detention Facilities building maintenance account 0042-54600 the same amount

RESOLUTION NO. 2007- 41

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2007 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY DETENTION FACILITIES DEPARTMENT

30. Proofs:
- a. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Establishment of Ordinance/Regulations affecting the Use of Land, Tuesday, October 17, 2006 at 5:30pm and Wednesday, November 1, 2006 at 9:00am (Four separate notices published)
 - b. Proof, Notice to Bidders, RFQ No. 07-55
 - c. Proof, Notice to Bidders, RFQ No. 07-53
 - d. Proof, Notice to Bidders, Bid No. 07-52
 - e. Proof, Notice to Bidders, Bid No. 07-49
 - f. Proof, Notice to Bidders, Bid No. 07-56
 - g. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Establishment of Bill of Rights Ordinance, Tuesday, January 9, 2007 at 9:00am
 - h. Proof, Notice of Meeting, Intergovernmental Committee, Change in Regular Meeting Schedule, Canceled January 3, 2007, Regular Meetings to begin Wednesday, February 7, 2007
 - i. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Special Meeting, Tuesday, January 16, 2007 at 9:00 a.m.
 - j. Proof, Notice to Bidders, Bid No. 07-37
 - k. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Canceled Tuesday, December 26, 2006 Regular Meeting, Scheduled Special Meeting on Thursday, December 28, 2006 at 9:00a.m.
 - l. Proof, Notice to Bidders, Bid No. 07-51
 - m. Proof, Notice to Bidders, Bid No. 07-50
 - n. Proof, Notice to Bidders, Bid No. 07-45
 - o. Proof, Notice to Bidders, Bid No. 07-43
 - p. Proof, Notice to Bidders, Bid No. 07-44
 - q. Proof, Notice of Meetings, St. Johns County Finance Committee, Third Wednesday of each Month, beginning January 17, 2007 at 9:00a.m.
 - r. Proof, Notice to Bidders, Bid No. 07-60
 - s. Proof, Notice of Meeting, St. Johns County Board of County Commissioners and St. Johns County Community Redevelopment Agency, Tuesday, January 9, 2007 at 9:00am
 - t. Proof, Notice of Meeting, St. Johns County Water and Sewer Authority, Scheduled Regular Meeting for Wednesday, March 7, 2007 at 9:00a.m.

(02/06/07 - 9 - 9:49 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Consent Item 16 was added as Item 16A per Sanchez's earlier request. Stevenson requested that Vonasek give a presentation on the impacts to the changes on the proposed property tax legislation added to the agenda as Item 16B. Kropacek requested that Item 13 be pulled, the Grumman contract be added at Item 4A and the Hastings Agricultural Research Grant funding be added as Item 16C. He also asked that Item 16 be time certain for 1:30 p.m. McCormack requested that Item 12 be moved to Item A1.

(02/06/07 - 9 - 9:54 a.m.)

APPROVAL OF REGULAR AGENDA

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

This item was previously Item 12 on the Regular Agenda.

(02/06/07 - 9 - 9:54 a.m.)

A1. CONSIDER THE BELLSOUTH BUSINESS SERVICES MASTER AGREEMENT

Michael Hunt, Deputy County Attorney, said the item was the consideration of the BellSouth Business Services Master Agreement and it was a slightly revised version. He reviewed the termination provision of the agreement. He stated that the Office of County Attorney recommended approval and that they include a letter to Bellsouth notifying them that this was an exception to their normal practices and would not be handled in that manner in the future.

(9:57 a.m.) Craig Dyer, Chief Assistant Public Defender for the 7th Judicial Circuit, 1040 Lewis Speedway, appeared on behalf of Mr. Purdy, the elected Public Defender, who said the other three counties within the Circuit had approved the agreement. He said there would be no changes to the contract currently used by the County, and asked for their support as it was a necessity for their office.

(9:59 a.m.) **Motion by Manuel, seconded by Stevenson, carried 5/0, to approve the Bellsouth Business Services Master Agreement contract terms and conditions and to authorize the County Administrator to execute the contract on behalf of the County.**

(02/06/07 - 9 - 9:59 a.m.)

1. PUBLIC HEARING - REZ 2005-49 ST. AUGUSTINE - ST. JOHNS COUNTY AIRPORT AUTHORITY - THIS REZONING APPLICATION HAS BEEN CONTINUED FROM THE JANUARY 23, 2007 BOARD OF COUNTY COMMISSIONERS MEETING TO ALLOW FOR ADDITIONAL RESEARCH REGARDING PROPOSED BUFFERING ALONG THE SOUTHERN EDGE OF THE SUBJECT PROPERTY TO ADDRESS POTENTIAL SIGHT AND NOISE NUISANCES. IN ADDITION, THE BOARD REQUESTED ADDITIONAL INFORMATION ABOUT THE CURRENT AIRPORT AUTHORITY FIVE YEAR MASTER PLAN. THIS IS A REQUEST TO REZONE 52.1 ACRES FROM RESIDENTIAL SINGLE 3 (RS-3), COMMERCIAL INTENSIVE (CI) AND OPEN-RURAL (OR) TO AIRPORT DEVELOPMENT (AD) FOR A FUTURE EXPANSION OF THE AIRPORT. THE AUTHORITY OWNS ALL PROPERTY LOCATED WITHIN THE FORMER ARAQUAY PARK UNIT 1 AND ARAQUAY PARK UNIT 2 SUBDIVISIONS. THE VACATION OF THE SUBDIVISIONS HAS TRIGGERED A NEW LEGAL DESCRIPTION AND THEREFORE REQUIRES A REZONING TO AIRPORT DEVELOPMENT (AD) FROM THE PREVIOUS BASE ZONES OF RESIDENTIAL SINGLE 3 (RS-3),

COMMERCIAL INTENSIVE (CI) AND OPEN-RURAL (OR) TO AIRPORT DISTRICT (AD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR NOVEMBER 16, 2006 HEARING BY A VOTE OF 5/1. DISCUSSION DURING THE PLANNING AND ZONING AGENCY MEETING CENTERED ON QUESTIONS OVER PREVIOUS EMINENT DOMAIN ACTIONS, THE PROPOSED USE IN THIS AREA, HOURS OF OPERATION AND THE FUTURE PLANS FOR THE AIRPORT AUTHORITY

Proof of publication of the notice of public hearing on Rez 2005-49, St. Augustine Airport, was received having been published in *The St. Augustine Record* on January 3, 27, 2007.

Lindsay Haga gave the presentation, and noted that it had been continued from the January 23 meeting to allow for additional research to be provided by the applicant, addressing buffering along the southern edge of the project boundary, subject to the rezoning. She said it would also allow the Airport Authority representative and potential board members to host a workshop and give a presentation on the Five-year Master Plan for the airport. Haga summarized the application request.

(10:00 a.m.) Stevenson disclosed ex-parte with Ed Walner from the Airport Authority and discussed existing uses and how they fit in with the plans they had to retain trees and how it would expand the sound envelope of the airport.

(10:02 a.m.) Suzanne Green, Chairman of the St. Augustine St. Johns County Airport, 4300 Marsh Landing Blvd., Suite 230, Jacksonville Beach, introduced Board Members who were present in support of their request: Kelly Berrera, Wayne "Buzz" George, Ed Walner, Executive Director and Andrew Plesco. She said they had all worked hard on the rezoning.

(10:03 a.m.) Ed Walner, Executive Director, St. Augustine St. Johns County Airport Authority, gave a PowerPoint presentation on the Airport Rezoning Request which included a portion of the Araquay Park subdivision, and noted the detailed information was being provided at the Board's request.

(10:17 a.m.) Joe Jones, 4672 Fifth Ave., spoke in opposition to the hangars, which they had called "relatively small". He said they were small in nature to the developers, but were much larger to the neighbors who had to endure the noise, the reduced tax value of their property, and subsidizing the rent for those hangars that were being rented below the fair market value. He said other neighbors were also concerned but felt like they had no say-so because it was the airport and it was a done deal.

(10:21 a.m.) Mary Willis, 180 Indian Bend Rd., Araquay Park, said she had lived there for 75 years, before there was an airport. She spoke in opposition to the rezoning, and said the heavy equipment for the development came right down her road, and right across the street from her house was a 6 foot fence with barbed wire. She said the trucks started at 7:00 a.m. every morning and had damaged the streets and curbing. She said she did not want to move and wanted to be able to enjoy her home. She said her quality of life had been and would be affected, especially if the hangars were placed there due to the noise and degradation of her property.

(10:25 a.m.) Stevenson said she would like staff to follow-up on complaints by the citizens, including tree removal and replacement buffering, pavement damage etc. She responded to comments of subsidization and eminent domain, and said it was beyond

their authority to act on those issues. She said the perimeter of the airport would not be expanded.

(10:28 a.m.) Rich asked Walner if any money was set aside by the negative impact the expansion was having on the residents in the area including noise abatement etc. Walner responded that large stands of mature growth trees were being maintained on the property and they were willing to augment the perimeter area where possible. Rich asked for income projections and when the airport would become solvent. Walner said four years.

Sanchez said the issue that day was the rezoning issue, and he did not see how they could say no to the project because of the money coming from outside the County.

(10:35 a.m.) Motion by Sanchez, seconded by Bryant, carried 4/1 with Rich opposed, to enact Ordinance 2007-6, known as REZ 2005-49 St. Augustine - St. Johns County Airport Authority adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2007-6

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATIONS OF RESIDENTIAL SINGLE 3 (RS-3), COMMERCIAL INTENSIVE (CI) AND OPEN RURAL (OR) TO AIRPORT DISTRICT (AD); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/06/07 - 11 - 10:48 a.m.)

2. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO PROCEED WITH CONSTRUCTION DOCUMENTS FOR RENOVATIONS TO THE JUDICIAL CENTER AND CURRENT ADMINISTRATION BUILDING

Mike Rubin, Construction Manager St. Johns County, gave the presentation and a brief history of the project, which began with Judge Mathis' request about four years ago for expansion space.

Jose Perez, PQH Architects, 4141 Southpoint Dr., Jacksonville, gave a PowerPoint presentation to review the project and the Master Plan. He reviewed Phase I and Phase II with a total proposal for approximately 88,000 square feet, and reviewed the associated budgets. He said the Phase I budget was about \$2.7 million and the Phase II budget would bring it up to \$7.9 million for the combined budgets.

(10:55 a.m.) Doug Timms, Director Management and Budget, reviewed the recommended budget for Phase I and said the timing for it would be May of 2007, which was not currently budgeted, but Court Facilities Funds were included in the current budget that could go towards the project, and that they recommended commercial paper borrowing for the first phase to coincide with May of 2007. He said Phase II was a much larger item and recommended commercial paper for September of 2008, which would be part of the 2009 budget and would be \$1.1 million debt service. He said it would have to be planned for, but could be done. Rich asked if there would be other capital improvements coming forward. Timms said there were other proposals that would be coming forward.

(10:59 a.m.) Stevenson asked for clarification on debt service. Timms said the debt of Phase I would be about \$560,000 per year. He said most of it could be deferred until the 2008 budget year. She said when the Phase II came in, it would be \$1.1 million for phase two and there would be an overlap period of time with almost \$1.7 million in cash flow going to cover the bond issues. She stated that there might be some FTC monies available but she noted the debt service was going to peak in 2007-2009 and they needed to look at ways to reduce the debt service as opposed to increasing it, so they would be in strong posture for unanticipated changes. She said the cash flow requirements were high.

(11:02 a.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to authorize the County Administrator or his designee to proceed with Construction Documents for renovations to the Judicial Center and current Administration Building.**

(02/06/07 - 12 - 11:03 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION SUPPORTING NORTHROP GRUMMAN'S APPLICATION FOR THE QUALIFIED DEFENSE CONTRACT TAX REFUND PROGRAM FOR THE SIKORSKY H-60 HELICOPTER PROJECT AND THE INTENT TO COMMIT THE COUNTY TO PAY UP TO \$120,000 AS LOCAL FINANCIAL SUPPORT IF FUNDS ARE AVAILABLE IN FUTURE FISCAL YEARS

Karen Johnson, Intergovernmental Relation Specialist, gave the presentation. She noted that if the contract was granted, Grumman would need to increase their workforce by 150 employees, with wages to be much higher than the average rate for St. Johns County.

There was public comment for this item as well as for the following items 4 and 4A. It was decided to hear all the public comment at one time after all items had been presented.

(11:23 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2007-38 to support Northrop Grumman's application for the Qualified Defense Contract Tax Refund Program for the Sikorsky H-60 Helicopter Project and the intent to commit the County to pay up to \$120,000 as local financial support if funds are available in future fiscal years.**

RESOLUTION NO. 2007-38

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT NORTHROP GRUMMAN BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO CHAPTER 288.106, FLORIDA STATUTES FOR THE SIKORSKY H-60 HELICOPTER PROJECT; AND PROVIDING AN APPROPRIATION OF \$120,000 AS LOCAL PARTICIPATION IN THE QUALIFIED DEFENSE CONTRACT TAX REFUND PROGRAM, AND PROVIDING FOR AN EFFECTIVE DATE

(02/06/07 - 12 - 11:05 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION SUPPORTING NORTHROP GRUMMAN'S APPLICATION FOR THE QUALIFIED DEFENSE CONTRACT TAX REFUND PROGRAM FOR THE SIKORSKY CH-53 HELICOPTER PROJECT AND THE INTENT TO COMMIT THE COUNTY TO PAY UP TO

\$100,000 AS LOCAL FINANCIAL SUPPORT IF FUNDS ARE AVAILABLE IN FUTURE FISCAL YEARS

(11:24 a.m.) Motion by Stevenson, seconded by Manuel, carried 5/0, to adopt Resolution No. 2007-39 to support Northrop Grumman's application for the Qualified Defense Contract Tax Refund Program for the Sikorsky CH-53 Helicopter Project and the intent to commit the County to pay up to \$100,000 as local financial support if funds are available in future fiscal years.

The presentation was given by Karen Johnson.

RESOLUTION NO. 2007-39

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT NORTHROP GRUMMAN BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO CHAPTER 288.106, FLORIDA STATUTES FOR THE SIKORSKY CH-53 HELICOPTER PROJECT; AND PROVIDING AN APPROPRIATION OF \$100,000 AS LOCAL PARTICIPATION IN THE QUALIFIED DEFENSE CONTRACT TAX REFUND PROGRAM, AND PROVIDING FOR AN EFFECTIVE DATE

This item was added to the Regular Agenda.

(02/06/07 - 13 - 11:07 a.m.)

4A. CONSIDERATION TO ADOPT RESOLUTION FOR THE QUALIFIED DEFENSE CONTRACT (QDC) TAX REFUND PROGRAM IN SUPPORT OF NORTHROP GRAMMAN - U.S. AIR FORCE A-10 ENHANCED WING PROJECT AND THE INTENT TO COMMIT THE COUNTY TO PAY UP TO \$260,000 AS LOCAL FINANCIAL SUPPORT IF FUNDS ARE AVAILABLE IN FUTURE FISCAL YEARS

Karen Johnson gave the presentation.

(11:25 a.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2007-40 to support Northrop Grumman's application for the Qualified defense Contract Tax Refund Program for the U.S. Air Force A-10 Enhanced Wing Project and the intent to commit the County to pay up to \$260,000 as local financial support if funds are available in future fiscal years.

RESOLUTION NO. 2007-40

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT NORTHROP GRUMMAN BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO CHAPTER 288.106, FLORIDA STATUTES FOR THE SIKORSKY CH-53 HELICOPTER PROJECT; AND PROVIDING AN APPROPRIATION OF \$100,000 AS LOCAL PARTICIPATION IN THE QUALIFIED DEFENSE CONTRACT TAX REFUND PROGRAM, AND PROVIDING FOR AN EFFECTIVE DATE

The following are Public Comments on Items 3, 4, and 4A:

(11:08 a.m.) Jim Spaulding, 509 Old Country Court, President United Way of St. Johns County, spoke in support of the proposals and noted Northrop Grumman's support to the County over many years.

(11:09 a.m.) Steven Carter, Park Service Specialist, Fort Mose Historic State Park, gave a history of the fort and the support that had been given by Northrop Grumman to the project, and he spoke in support of the requests.

(11:11 a.m.) Jim Hardin, 6301 Costanero Rd., Emergency Homeless Coalition St. Johns County, spoke of the support Northrop Grumman had given them over the years and said they were in support of Northrop Grumman's request.

(11:15 a.m.) Kay Green, 717 North Long Needle Dr., represented the St. Johns County Council on Aging, told of the support they had received from Northrop Grumman and said they were in strong support of their request.

(11:16 a.m.) Kari Keating, Economic Development Council, St. Johns County Chamber of Commerce, 1 Riberia St., spoke on behalf of James Wheeler, Chairman. She said they worked with Northrop Grumman to help them be competitive. She read a statement on behalf of Wheeler in support of the Northrop Grumman's requested incentives matches.

Votes were made on each individual application. See above.

(02/06/07 - 14 - 11:25 a.m.)

5. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO MARSHALL REAL ESTATE DEVELOPMENT INC.

Karen Johnson gave the presentation and stated that Marshall Real Estate Development Inc., wished to build two buildings totaling 50,580 square feet in speculative space for industrial and warehouse use. She noted he was eligible based on his application.

Nick Sacia, Economic Development Commission St. Johns County Chamber of Commerce, gave total sq. footage of the inventory for industrial property, greater than 5,000 square feet, at 1,087,485 square feet, and the vacancy rate was at 13.7 percent. General discussion ensued. Stevenson reviewed why the incentive grants had originally been adopted.

(11:36 a.m.) **Motion by Manuel, seconded by Rich, to deny the attached incentive.**

(11:37 a.m.) Stevenson commented that impact fees raised the bar for new businesses coming into the area, and there was not an occupancy issue. Bryant said he supported Stevenson on the matter and until they did something about the Impact fee ordinance he would continue to support issues like that request.

(11:39 a.m.) Manuel said the Impact Fee was a separate issue.

(11:40 a.m.) Rich asked the applicant if they wished to speak. The applicant was not present.

(11:41 a.m.) Stevenson asked the Board to consider the need for the business community to have an expectation of certainty in the environment in which they operate. She asked them to consider what the motion would signal to the business community.

(11:42 a.m.) Sanchez asked how many more applications had come in on a speculative basis. Johnson said she had 8 to 10 on her desk. He said he did not generally support

incentives of that nature, but had trouble with giving incentives to major corporations and not to the little guy. He said he could not support denial. Additional discussion ensued.

(11:46 a.m.) **Motion failed 2/3 with Bryant, Stevenson and Sanchez dissenting.**

(11:47 a.m.) Stevenson asked legal if she could change the amount. Hunt said it would be acceptable to make it less than the specified amount and a rationale should be given. Stevenson said the amount was to reflect the amount of the Impact Fee estimate.

(11:47 a.m.) **Motion by Stevenson, second by Bryant, to adopt the attached incentive calculation not to exceed \$145,000, and instruct the Attorney's office to prepare an agreement and place the agreement on a future consent agenda.** Additional discussion ensued. (11:50 a.m.) **Motion carried 3/2 with Rich and Manuel dissenting.**

(02/06/07 - 15 - 11:50 a.m.)

6. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO EAST COAST WELLS & PUMP SERVICES

Karen Johnson gave the presentation and said East Coast Wells & Pump Services would like to build three buildings totaling 23,000 square feet of speculative space for industrial warehouse use and one building, 4,500 square feet as an expansion for the business. She said the total incentives for both categories would not exceed \$150,806.

(11:51 a.m.) David Swindull, 2061 Deerwood Acres Dr., spoke on their comments regarding an exit strategy. He said it might have flaws in it, but it was the policy currently in place, and they should live by what they had previously committed to do for the applicants.

(11:53 p.m.) Rich said he would support him on his building expansion for his business, but was opposed to the speculative space issue. Swindull commented on the workshop and said it only lasted 45 minutes and was not long enough. He suggested they make any future workshop on the issue longer.

(11:59 a.m.) Nick Sacia, St. Johns Chamber of Commerce, 1 Riberia St., said if space incentives were not available there was no room to attract new businesses. He said it also restricted the growth of local businesses. He noted that industrial space was very limited in various places within the County, and when they incentivised space, they were incentivising the opportunity for growth and for new jobs.

(12:02 a.m.) Sid Mansur, 314 Genoa Rd., said he had a lot of experience with speculative space and recited some of the properties that he owned. He said his tenants were all locals and no incentives had been given to him or to those people, and he was against giving incentives.

(12:07 p.m.) **Motion by Rich, seconded by Manuel, to adopt the attached incentive calculation not to exceed \$32,856. If adopted, instruct the attorney's office to prepare an agreement and place the agreement on a future consent agenda.** Rich said the proposed amount was for the 4,500 square foot expansion of the existing business.

(12:08 a.m.) Clarification was requested by Stevenson as to whether they could break it into speculative and non-speculative space. Hunt said they could but it would have to be made clear in both motions.

(12:10 a.m.) Sanchez said he did not feel that they could approve the application just before this one and change the rules for the one before them currently.

Manuel said it was unfair to change the rules in mid-course since they had approved the previous applicant.

Bryant asked how Stevenson voted. He said they could bifurcate it, or since she was on the prevailing side, they would bring it back up for a revote to consider the whole motion. Rich suggested to deny if did not like it.

(12:11 p.m.)

Roll call vote:

Sanchez	No
Rich	Yes
Manuel	Yes
Bryant	Yes
Stevenson	Yes

The motion carried 4/1 with Sanchez dissenting.

(12:12 p.m.) Stevenson requested a second motion to include the building that included the speculative space. Hunt said that would be appropriate.

(12:12 p.m.) Motion by Stevenson, seconded by Sanchez, carried 3/2 with Rich and Manuel opposing, to adopt the incentive calculation for the speculative aspect of the application, not to exceed \$68,000 and to instruct the attorney's office to prepare an agreement and place the agreement on a future consent agenda.

Hunt asked if the two incentive packages could be drafted as one package. The Board said he could.

At 12:14 p.m., the meeting recessed for lunch and reconvened at 1:30 p.m. with all five commissioners, Kropacek, Vonasek, McCormack, Whitehouse, and Deputy Clerk Lenora Newsome present.

The meeting moved to Item 16 which was time certain for 1:30 p.m.

(02/06/07 - 16 - 3:53 p.m.)

7. CONSIDER APPOINTMENT TO THE TOURIST DEVELOPMENT COUNCIL (TDC)

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that all the current members' application on this Board expired in the year 2008 and this appointment would normally be to the expired date, but she was asking that the Board consider suspending their BCC Policy 2.1 to allow for this appointment to be for a full four year term.

(3:55 p.m.) Motion by Manuel, seconded by Stevenson, carried 5/0, to suspend BCC Policy 2.1 to allow appointment of a member for more than the unexpired term.

Motion by Manuel, seconded by Stevenson, carried 5/0, to appoint Marc Bauer to the Tourist Development Council for a full four-year term scheduled to expire February 6, 2011.

(3:56 p.m.) Motion by Bryant, seconded by Manuel, carried 5/0, to reinstate BCC Policy 2.1.

(02/06/07 - 17 - 3:57 p.m.)

8. CONSIDER APPOINTMENTS TO THE CATEGORY II ARTS/GRANTS FUNDING PANEL

Melissa Lundquist, Administrative Coordinator, reviewed this item.

(3:57 p.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to appoint Philip McDaniel to the Category II Arts/Grants Funding Panel for a full three-year term scheduled to expire January 23, 2010.**

(3:58 p.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to appoint Louis Negron to the Category II Arts/Grants Funding Panel for a full three-year term scheduled to expire January 23, 2010.**

(3:59 p.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to appoint Donald McKay to the Category II Arts/Grants Funding Panel for a full three-year term scheduled to expire January 23, 2010.**

(02/06/07 - 17 - 4:03 p.m.)

9. CONSIDER APPOINTMENT TO THE CONTRACTORS REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item. Manuel asked what this board did. Rich and McCormack responded.

(4:04 p.m.) **Motion by Sanchez, seconded by Stevenson, carried 5/0, to reappoint Dick Pittman to the Contractors Review Board for a full four-year term scheduled to expire September 24, 2010.**

(02/06/07 - 17 - 4:05 p.m.)

10. CONSIDER APPOINTMENT TO THE LIBRARY ADVISORY BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item. Sanchez mentioned pulling the application of Kenneth Sivulich due to his request.

(4:06 p.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0, to appoint Katherine Dvornick to the Library Advisory Board for a full four-year term scheduled to expire January 23, 2011.**

(02/06/07 - 17 - 4:06 p.m.)

11. CONSIDER APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, Administrative Coordinator, reviewed this item.

(4:07 p.m.) **Motion by Manuel, seconded by Bryant, carried 5/0, to appoint Jeff Johnson to the Industrial Development Authority for a partial term scheduled to expire March 2, 2008.**

The meeting moved to Item 14.

This item was heard at Item A1.

(02/06/07 - 17 - 9:54 a.m.)

12. CONSIDER THE BELLSOUTH BUSINESS SERVICES MASTER AGREEMENT

This item was pulled from the Regular Agenda.

(02/06/07 - 18 - 9:49 a.m.)

13. CONSIDER C&K ASSET MANAGEMENT RV AND BOAT STORAGE FACILITY PROPOSED WITHIN SR 312 EXTENSION (SR 313) RIGHT-OF-WAY

(02/06/07 - 18 - 4:09 p.m.)

14. PUBLIC HEARING - ACPA-2006-04, APPLICATION TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF 390-A, B, C & D RIVERSIDE BOULEVARD - APPLICATION NO. ACPA-2006-04, KNOWN AS 390-A, B, C & D RIVERSIDE BOULEVARD, IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT INITIATED BY PLANNING STAFF TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION OF THE COUNTY'S COMPREHENSIVE PLAN FROM PARKS AND OPEN SPACE TO RESIDENTIAL DENSITY - A FOR ABOUT 2.82 ACRES LOCATED IN THE SOUTHEAST PLANNING DISTRICT, IN THE SOUTH COASTAL CORRIDOR, AT 390-A, B, C AND D RIVERSIDE BOULEVARD, BETWEEN BUTLER PARK WEST AND SUNSET LANDING, ON THE MATANZAS RIVER. AT ITS MEETING ON JANUARY 4, 2007, THE PLANNING & ZONING AGENCY'S RECOMMENDATION TO THE BCC TO APPROVE THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT WAS UNANIMOUS

Proof of publication of the notice of public hearing on ACPA 2006-4 (390-A, B, C, and D Riverside Blvd.), was received having been published in The St. Augustine Record on December 15, 2006.

Donna Godfrey, AICP, Senior Planner, reviewed this item, stating that they had corrected some scrivener errors.

(4:13 p.m.) Motion by Bryant, seconded by Manuel, carried 5/0, to enact Ordinance No. 2007-7, amending the 2015 Future Land Use Map Designation from Parks and Open Space to Residential Density A for property located at 390-A, B, C and D Riverside Boulevard and findings 1 through 3.

ORDINANCE NO. 2007-7

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM PARKS, AND OPEN SPACE TO RESIDENTIAL DENSITY-A FOR THE PROPERTIES LOCATED AT 390-A, 390-B, 390-C AND 390-D RIVERSIDE BOULEVARD, PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(4:15 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Terry Bulla entered the meeting.

(02/06/07 - 18 - 4:15 p.m.)

15. PUBLIC HEARING - REZ 2006-32 CHARLES STREET SUBDIVISION - THIS IS A REQUEST TO REZONE 2.6 ACRES OF LAND FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE-FAMILY-3 TO ALLOW EIGHT (8) SINGLE FAMILY RESIDENTIAL LOTS. THIS PROPERTY IS LOCATED AT INTERSECTION OF CHARLES STREET, WITH DOEHLER AVENUE AND NORTH WHITNEY STREET, JUST NORTH OF CROOKSHANK SCHOOL. THE PROPERTY HAS

RESIDENTIAL C LAND USE AS DEPICTED ON 2015 FUTURE LAND USE MAP. CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE UTILITY DEPARTMENT. ADJACENT ZONINGS ARE RS-3. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR DECEMBER 07, 2006 HEARING BY A VOTE OF 4/2 (WILES/WHEELER, ONE MEMBER ABSENT). DISCUSSION DURING AGENCY COMMENTS QUESTIONED THE LOCATION OF A PREVIOUS MULTI-FAMILY DEVELOPMENT PROPOSED WITHIN THE VICINITY OF THIS SITE

Proof of publication of the notice of public hearing on REZ 2006-32, Charles Street, was received having been published in *The St. Augustine Record* on January 22, 2007.

Lindsay Haga gave the presentation and said it was a straight rezoning application known as the Charles Street Subdivision.

(4:16 p.m.) Karen Taylor, 3070 Harbor Drive, spoke on behalf of the applicant, Rob Sherno. She said it was a request for RS-3 and there was a fair amount of RS-3 zoning in that area. She said they had received some letters of complaint regarding traffic and water sources but noted that access was from Masters Drive. She said there would be a maximum of eight lots and they would be on water and sewer provided by the City of St. Augustine. She said it was an ideal infill type development where kids would be able to walk to school and it would be close to employment opportunities.

(4:21 p.m.) Haga said there would be an increase in traffic but that staff had found it would be compatible.

(4:22 p.m.) Robert Chernob, 29J Fountain of Youth Blvd., said they had sent letters to everyone who had expressed a concern and had spoken with all of those who had responded. He said there were no issues remaining, and the other six or seven recipients had not responded and those were over wells and septic systems.

(4:24 p.m.) Stevenson asked if it was standard procedure for disclosure of intended zones for school and that new residents might not attend the schools that they were currently zoned for. Haga responded that it was standard for Planned Unit Developments. She said she was not sure it could be required to be attached to a rezoning request and there was no mechanism in place to require it other than through a PUD. Chernob said he would comply with that request. Stevenson also questioned the issue of connectivity to other parcels. Haga said it was not an issue with this project but if the issue became apparent it would be under the review of the construction plans. Taylor said there was a very significant wetland system that ran through the property and there would be no connectivity provided to the west. She said they were improving Charles Street and adding right-of-way width.

(4:27 p.m.) There was general discussion about school impact fees and school concurrency. Teresa Bishop, said that school concurrency had not been adopted in St. Johns County. She said the School Board had been providing letters to say what the school capacity was in a particular area where a project would be located. She said there was also a difference between school concurrency and financial feasibility under the new Growth Management law adopted in 2006. She said this project could go forward under the normal process currently in place.

(4:37 p.m.) Motion by Sanchez, seconded by Stevenson, carried 5/0, to enact Ordinance 2007-8, known as REZ 2006-32 Charles Street Subdivision adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2007-8

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

(02/06/07 - 20 - 1:31 p.m.)

16. 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 2006-6, Meadows Avenue, was received having been published in *The St. Augustine Record* on October 14, 2006 and January 24, 2007.

Joan Comes, Court Reporter, was present.

Marie Hobbs, Assistant Zoning Manager, reviewed this item, distributing a letter from Jerry Anne Yancey in favor of this item, Exhibit A. McCormack spoke on the procedure regarding this item. Rich disclosed exparte communication with Mr. Henry Tobin.

(1:34 p.m.) Bruce Fletcher, 200 East Forsyth Street, Jacksonville, attorney representing Mr. Henry Tobin, spoke in opposition of the special use permit. He stated that it was not compatible with the Comp Plan and the neighborhood. He stated that there was opposition from the immediate neighborhood with traffic and parking in the area being their main concern. McCormack recommended saving public comment until each side had time to speak.

(1:43 p.m.) Allyson Currie, 1200 Plantation Island Drive South, spoke in support of the special use permit. She spoke on a list of conditions agreed to by the church. Manuel spoke on the hours of operation and the term of the lease.

(1:49 p.m.) John Dixon, 3041 Second Street, stated that he was not against the church. What he was against was why the Zoning Board would allow the variance and take a house off of the tax roll when there was a church for sale on Lewis Speedway.

(1:51 p.m.) William Zipperer, 100 Meadow Avenue, spoke on traffic being heavy in the area.

(1:53 p.m.) Nancy Brown, 112 Surfside Avenue, spoke against the special use permit.

(1:57 p.m.) Roberta Jennings, 3041 Second Street, spoke against the special use permit, handing in for the record a list of signatures of people in and around the neighborhood against the special use permit, Exhibit B.

(2:02 p.m.) Currie objected to the Board considering any of the evidence regarding the signatures unless people were here to speak for themselves.

(2:03 p.m.) McCormack stated that he had reviewed the list of names and that there was no way to cross-examine the people, but the number of people for or against something was not relevant.

(2:04 p.m.) Luana Hosta, 128 Surfside Avenue, spoke against the special use permit, stating that there was no buffer between them. She spoke on this being an established neighborhood, the quality of life being affected, being concerned about the impact on the neighborhood, the increase in traffic and the parking.

(2:08 p.m.) Vivian Hartman, 170 Ocean Hollow Lane, spoke against the special use permit.

(2:12 p.m.) Jodi Kiel, 106 Surfside Avenue, voiced concern about increased traffic, stating that she was against the special use permit.

(2:14 p.m.) Henry Tobin, 116 Surfside Avenue and 117 Meadow Avenue, spoke on where everyone lived regarding the property in question, ads in the newspaper regarding the church, Exhibit C, and asked the Board to help them preserve their neighborhood.

(2:20 p.m.) Sam Schlegel, Church Pastor, 131 Bobwhite Road, spoke on the history of their church and their intent on continuing to use the community center. He gave a PowerPoint presentation, Exhibit D. Lengthy discussion followed on the comments made by the fire station. Stevenson asked about rearranging the rooms in the house. Schlegel responded and also spoke on the buffer.

(2:40 p.m.) George Richardi, State Certified Appraiser, stated that the special use permit was only for the individual usage of the individual owner. He mentioned that there were comparable sales listed, both adjacent and across the street from the property and there had been no indication of a decrease in value in any of those instances, so it would not negatively affect the value.

(2:44 p.m.) Don White, 2735 South Ponte Vedra Blvd., spoke in favor of the special use permit.

(2:45 p.m.) Mimi Vreeland, Land Architect, spoke on putting together a landscape plan that responds to the concerns of the surrounding neighbors, and stated that she really respect people's concerns for real estate value.

(2:48 p.m.) Vivian Browning, 30 Beachcomber Way, spoke in support of the special use permit.

(2:50 p.m.) Sacha Martin, 133 Coastal Hollow Circle, spoke in favor of the special use permit.

(2:54 p.m.) Barbara Jenness, 4300 Coastal Highway, spoke in favor of the special use permit.

(2:56 p.m.) Cecil Begg, 325 South Ocean Grand Drive, spoke in favor of the special use permit.

(2:57 p.m.) Lisa Loyd, 132 Surfside, spoke in favor of the special use permit.

(3:04 p.m.) Currie spoke on the parking concern and the concern of the church buying property after property to grow and grow mentioned by Stevenson. McCormack spoke on the special use permit pertaining to one particular property and stated that they could make it a condition not to be for any other property. Currie gave the hours and terms of the church and stated the renewal terms.

(3:09 p.m.) Vivian Browning, 30 Beachcomber Way, spoke on the church's option.

(3:10 p.m.) Currie stated that they were a neighborhood church and she requested the Board to deny the appeal.

(3:11 p.m.) Fletcher spoke on how many people could attend the church, the parking problems, and the expansion of the church. He stated that there was more than the potential of future growth, parking problems, and increased traffic. Kropacek stated that the fire station moved out, and marine rescue was moving in.

The meeting recessed at 3:18 p.m. and reconvened at 3:25 p.m.

(3:25 p.m.) McCormack referenced a transcript from the November 14, 2006 meeting on this issue, providing a substitute transcript, Exhibit E. Bryant questioned if the chapel hours would mimic the church hours. Currie responded. Bryant commented further on parking. McCormack addressed the parking. He offered a suggested condition that the special use be contingent upon the church's lease of the primary site, and would be limited to the subject property and may not be joined with any other property for the purposes of church use for any other property within one mile, except for the adjacent North Shore Improvement lot. Bryant commented further on parking not overflowing into the right-of-way. Rich asked if the conditions mentioned by McCormack were accepted by Currie. Currie responded. McCormack mentioned for the Board to consider as a condition that it be tied to that center. McCormack commented on the amount of people allowed in the building and the hours of occupancy. McCormack mentioned that an alternate condition might be to have another property within a certain distance that would give some flexibility of the North Shores Improvement property if the first lease did not carry on. Manuel stated that he thought it was a good solution that the special use be linked to the lease and if the lease terminated then the special use would terminate and they could come back and plea their case for a different location. Bryant asked if they had a problem linking it to the lease of the community center.

(3:43 p.m.) Currie responded. Schlegel responded that it was self limiting. McCormack stated that pertaining to special uses, the Board could ask if the applicants agreed to, or not a condition. He stated that one option might be to tie it to that property, however to allow for a six month grace period, that if that lease ended, they would maintain that use for six months and then have an opportunity to come back to the Board in the meantime to identify another location. Hobbs mentioned that if the Board included the July 17th portion that was adopted with the final order, it did limit it to the twenty people and if they go in excess of the twenty people, they would be in violation of their final order and would be prone to code enforcement. McCormack stated that the Board did not have to tie it to lease across the street, that they were tied to the conditions and special uses.

(3:50 p.m.) **Motion by Bryant, seconded by Manuel, to deny the appeal and approve the special use permit upholding the decision of the Planning and Zoning Agency adopting the findings and/or conditions to support the motion that was on July 17 included in the PZA hearing.** McCormack stated that the issue about transferability was not in the Order. He stated at the Board's discretion it could add that element of non-transferability or not. **Bryant stated that he would like to add to the motion McCormack's statement and Manuel seconded it. The motion carried 5/0.**

The meeting moved to Item 7.

The Board recessed at 4:37 p.m. and reconvened at 4:43 p.m.

This item was moved to the Regular Agenda as Item 16A from Item 16 on the Consent Agenda.
(02/06/07 - 23 - 4:43 p.m.)

16A. FINAL PLAT FOR COUNTY ROAD 2209 - NORTH SEGMENT

Kathy Nielsen, Applications Review Manager, Development Services, responded to a previous question by Commissioner Sanchez. She said the proposal was for a segment north of CR 210 and part of the Aberdeen Durbin DRI. Sanchez said he had no problem with it.

(4:44 p.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to adopt Resolution No. 2007- 42 approving a Final Plat for County Road 2209- North Segment.**

RESOLUTION NO. 2007- 42

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

This item was added to the Regular Agenda.

(02/06/07 - 23 - 4:48 p.m.)

16B. REPORT BY JOE VONASEK REGARDING THE GOVERNOR'S REVISIONS TO THE PROPERTY TAXATION PLAN

Joe Vonasek, Assistant County Administrator, reported that the Governor's revisions to property taxation would have a significant impact on the County's plans and service levels. He said the information provided by the Florida Association of Counties would, in summary, effect all 4 proposals in the first year as follows: decreases to the General Fund, \$12.5 million, Transportation \$2.3 million, Fire District, \$2.9 million and the Health Department \$51,000. He noted that the PFM Strategic Financial Model had shown the revenue reductions actually had a compound effect when carried over more than a one-year period. Over five years the General Fund would actually have a revenue reduction effect closer to \$85 million. He said it would have a direct impact on the County Capital Improvement Program (CIP) and few, if any, projects could be funded from the General Fund. He said the bottom line was, that in order to maintain the same revenue coming in as currently projected, would require a tax rate increase or a decrease in service levels. He said the Governor was looking to take action this legislative session but they did not know what his implementation schedule would be. He said he would guess that at least a year's advance notice would be required.

(4:57 p.m.) Stevenson thanked Vonasek and Timms for the work they did on the report and said Timms was going to attend the Listening Tour scheduled for February 8 where

a number of elected officials would be in attendance. She said this was the climate the Legislature had been moving towards for the last two years, and the governor was very serious about providing property tax relief.

This item was added to the Regular Agenda.

(02/06/07 - 24 - 4:43 p.m.)

16C. HASTINGS RESEARCH GRANT

Kropacek said the item was already budgeted, and there was confusion on what the funds were to be used for. He said they had received clarification from David Dinkins, County Extension Director, and gave a breakdown of how the money was to be used.

(4:46 p.m.) Manuel said they had met with Dinkins and his staff and that clarification had been given on the matter, and he supported the request.

(4:46 p.m.) Stevenson concurred and said this would have a very positive impact on the County.

(4:47 p.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to approve the request and put it back into funding.

(02/06/07 - 24 - 4:59 p.m.)

COMMISSIONERS' REPORTS

Sanchez:

He stated that on Feb. 20th he would make a presentation on the information gathered regarding the Amphitheatre. Sanchez left the meeting for another meeting at 4:59 p.m.

Stevenson:

She thanked the staff and administration for the work they had been doing on road improvements and curb cuts in response to citizen concerns. She said that on February 15 there would be a community meeting in the Northwest Annex with a presentation from the Sheriff's Department.

Bryant:

No report.

Rich:

Rich asked the County Administrator to revisit the Impact Fee Ordinance on how the State targets incentive and what they are looking for, so the County can dovetail its incentive ordinance to meet those goals.

(02/06/07 - 24 - 5:06 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack notified the Board of a February 15 private meeting pertaining to the Whetstone litigation case at 8:00 a.m., and would be scheduling another meeting on February 20, regarding the attorney client private meeting on the Concessions case at 8:00 a.m.

(02/06/07 - 25 - 5:06 p.m.)
COUNTY ADMINISTRATOR REPORT

Kropacek reported that a Bond Workshop would be held on February 7 along with the Treasure Beach Canal Workshop at 5:30 p.m. He said the Amphitheatre Workshop had been set for February 20 at 1:30 p.m. and the Impact Fee Workshop and the Incentive Workshop would be held on February 21. He said the Elkton DRI Workshop would be held on that day as well.

The meeting was recessed at 5:08 p.m. and reconvened at 5:30 p.m. with Rich, Manuel, Bryant, Kropacek, McCormack, Desai, Assistant County Attorney and Terry Bulla, Deputy Clerk present.

(02/06/07 - 25 - 5:30 p.m.)

17. PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENTS - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE. SPECIFICALLY, AMENDMENTS TO ARTICLE VI AND ARTICLE XII. THE ATTACHED ORDINANCE IS PROVIDED IN STRIKETHROUGH AND UNDERLINING FORMAT TO HIGHLIGHT THE PROPOSED CHANGES. THE SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF THE PROPOSED AMENDMENTS IS SCHEDULED FOR FEBRUARY 20, 2007 AT 9:00 A.M.

Proof of publication of the notice of public hearing on establishment of ordinance/regulations affecting the use of land, was received having been published in *The St. Augustine Record* on January 29, 2007.

Betty Sue Stepp, Project Liaison, Growth Management Services Department, gave the presentation on proposed changes to the Land Development Code. She noted it was the first of two public hearings and the second hearing was scheduled for February 20 at 9:00 a.m. She reviewed the changes and why they were being requested.

(5:37 p.m.) Stepp announced that the next public hearing was to be February 20 at 9:00 a.m.

(5:37 p.m.) Motion by Manuel, seconded by Bryant, carried 3/0, with Sanchez and Stevenson absent, to adjourn the meeting

With there being no further business to come before the Board, the meeting recessed at 5:37 p.m.

REPORTS:

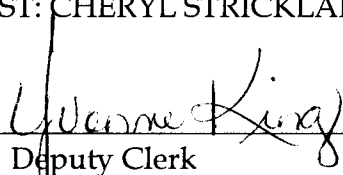
1. St. Johns County Board of County Commissioners Check Register, Check No. 396033 through 396357, totaling \$6,752,481.51 (01/16/07)
2. St. Johns County Board of County Commissioners Check Register, Check No. 396360 through 396361, totaling \$1,755.63 (01/16/07)
3. St. Johns County Board of County Commissioners Check Register, Check No. 396362 through 396393, totaling \$64,508.93 (01/18/07)
4. St. Johns County Board of County Commissioners Check Register, Check No. 396394 through 396752, totaling \$2,018,815.29 (01/23/07)

Approved: March 20, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

