

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 1, 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

(05/01/07 - 1 - 9:01 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(05/01/07 - 1 - 9:02 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(05/01/07 -1 - 9:02 a.m.)
Sanchez gave the invocation and Stevenson led the Pledge of Allegiance.

(05/01/07 - 1 - 9:03 a.m.)
PROCLAMATION DESIGNATING MAY 2007 AS DRUG COURT MONTH

Sanchez presented the proclamation to Judge Wendy Berger, Frances Colon, Dianne Tymeson, Cheryl McCray, Gary Smolek and Ralph Cumberbatch. Judge Berger accepted the proclamation on behalf of the Drug Court team.

(05/01/07 - 1 - 9:09 a.m.)
PROCLAMATION DESIGNATING MAY 1, 2007 AS A DAY OF PRAYER

Stevenson presented the proclamation to Susan Aberti and Medina Young, who received it on behalf of the Day of Prayer task force.

(05/01/07 - 1 - 9:13 a.m.)
PROCLAMATION DESIGNATING MAY 12, 2007 AS LETTER CARRIERS FOOD DRIVE DAY

Bryant presented the proclamation to Postmaster, Steve Kirkland and mail carrier, Linda Gustafson, who received it on behalf of the National Association of Letter Carriers, National Rural Letter Carriers Association, U.S. Postal Service, AFL/CIO and the United Way. Bryant said that in the past they had collected tons of food which went

to local food banks. Gustafson stated they had collected 49,680 pounds of food last year and gave instructions on how to donate food.

(05/01/07 - 2 - 9:18 a.m.)

PROCLAMATION DESIGNATING MAY 2007 AS OLDER AMERICANS MONTH

Manuel presented the proclamation to a group of older Americans including Mr. Harsha, Frances Kramer, Jo Mickler, Pat Stevens, and Julie Wright with the Council on Aging, who received the proclamation on behalf of all older Americans. Ms. Wright thanked them for the proclamation and said the Sunshine Bus would offer free transportation during the month of May.

(05/01/07 - 2 - 9:23 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Bryant, seconded by Manuel, carried 5/0, to approve the Proclamations as presented.

(05/01/07 - 2 - 9:24 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(05/01/07 - 2 - 9:24 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
03/20/07 - BCC Regular Meeting
04/03/07 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2007-110**, approving the Library System's Uniform Policy concerning overdue, damaged and lost materials

RESOLUTION NO. 2007-110

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE LIBRARY SYSTEM'S UNIFORM POLICY CONCERNING OVERDUE, DAMAGED AND LOST MATERIALS

4. Motion to name the 50 acre park located on C.R. 223 "Veterans Park"
5. Motion to name the community center in Hastings the Walter E. Harris Community Center
6. Motion to adopt **Resolution No. 2007-111**, approving a final plat for Estates at Cervantes

RESOLUTION NO. 2007-111

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ESTATES AT CERVANTES

7. Motion to adopt **Resolution No. 2007-112**, approving a final plat for Forest Oaks Estates

RESOLUTION NO. 2007-112

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

8. Motion to adopt **Resolution No. 2007-113**, approving a final plat for Austin Park at Nocatee Phase Two

RESOLUTION NO. 2007-113

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR AUSTIN PARK AT NOCATEE PHASE TWO

9. Motion to adopt **Resolution No. 2007-114**, approving a final plat for Willowcove, Phase I

RESOLUTION NO. 2007-114

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WILLOW COVE PHASE I

10. Motion to authorize the Interim County Administrator, or his designee, to award a contract to TB Landmark Construction, Inc., for work described in the Base Bid for a contract amount of \$186,090.00 for Bid #07-72, SR 16 VA Water Main Extension
11. Motion to ratify the action of the Interim County Administrator in the award and execution of a contract to Beach Construction for emergency repair to Clarifier No. 3 in the Wastewater Treatment Division of the Utility Department
12. Motion to authorize the County Administrator, or his designee, to award the bid of \$67,572.18, and negotiate a contract with Library interiors of Florida, Inc., and to award the bid of \$57,172.09, and negotiate a contract with Perdue Office Interiors to comprise a complete package of shelving and furniture for the Anastasia Island Branch Library
13. Motion to adopt **Resolution No. 2007-115**, approving the terms, conditions, and requirements of Amendment #14 to the Community Based Care contract # DJ993 between St. Johns County, Florida, and the State of Florida, Department of Children and Families; and authorizing the County Administrator to execute Contract Amendment #14 on behalf of the County; and motion to adopt **Resolution No. 2007-116**, recognizing unanticipated revenue in the amount of

\$13,543.00 from the State of Florida, Department of Children and Families, and adjusting the appropriate expenditure line item by the same amount

RESOLUTION NO. 2007-115

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE FOURTEENTH AMENDMENT TO THE CONTRACT DJ993 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF CHILDREN AND FAMILIES

RESOLUTION NO. 2007-116

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2007 COMMUNITY BASED CARE FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY COMMUNITY BASED CARE

14. Motion to adopt **Resolution No. 2007-117**, accepting a Special Warranty Deed from KB Home Jacksonville, LLC, a Delaware limited liability company to St. Johns County, conveying the roads and easements appurtenant thereto within Mill Creek Landing Subdivision

RESOLUTION NO. 2007-117

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED FROM KB HOME JACKSONVILLE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO ST. JOHNS COUNTY CONVEYING THE ROADS AND EASEMENTS APPURTENANT THERETO WITHIN MILL CREEK LANDING SUBDIVISION

15. Motion to adopt **Resolution No. 2007-118**, approving the terms of and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for Segment III of the Volusia Street/Four Mile Road project

RESOLUTION NO. 2007-118

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 NEEDED FOR SEGMENT III OF THE VOLUSIA STREET/FOUR MILE ROAD PROJECT

16. Motion to adopt **Resolution No. 2007-119**, accepting a Termination of Easement and New Grant of Easement for water and sewer service to The Shoppes of St.

Johns Oaks; and authorizing the Chairman of the Board to execute the Termination of Easement and New Grant of Easement

RESOLUTION NO. 2007-119

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TERMINATION OF EASEMENT AND NEW GRANT OF EASEMENT FOR WATER AND SEWER SERVICE TO THE SHOPPES OF ST. JOHNS OAKS AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE TERMINATION OF EASEMENT AND NEW GRANT OF EASEMENT

17. Motion to adopt **Resolution No. 2007-120**, accepting an Easement for Utilities for water service to a portion of Saint Johns Six Mile Creek North Subdivision, Units Four and Six

RESOLUTION NO. 2007-120

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO A PORTION OF SAINT JOHNS SIX MILE CREEK NORTH SUBDIVISION UNITS FOUR AND SIX

18. Motion to adopt **Resolution No. 2007-121**, accepting an Easement for Utilities for water service to Belle Haven of St. Augustine Condominium

RESOLUTION NO. 2007-121

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO BELLE HAVEN OF ST. AUGUSTINE CONDOMINIUM

19. Motion to adopt **Resolution No. 2007-122**, accepting an Easement for Utilities for water service to the Shoppes of Murabella on the corner of Pacetti Road and State Road 16

RESOLUTION NO. 2007-122

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE SHOPPES OF MURABELLA ON THE CORNER OF PACETTI ROAD AND STATE ROAD 16

20. Motion to adopt **Resolution No. 2007-123**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Subdivision Unit EV-7/EV-8, and accepting a bill of sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2007-123

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARSHALL CREEK SUBDIVISION UNIT EV-7/EV-8 AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

21. Motion to adopt **Resolution No. 2007-124**, accepting an Easement for Utilities for water service to Tiger Holmes Plaza on International Golf Parkway

RESOLUTION NO. 2007-124

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO TIGER HOLMES PLAZA ON INTERNATIONAL GOLF PARKWAY

22. Proofs:

- a. Proof, Notice of Meetings, St. Johns County Finance Committee, Wednesday, April 18, 2007, Wednesday, July 18, 2007 and Wednesday, October 17, 2007 (*Ponte Vedra Recorder*)
- b. Proof, Notice of Meeting, Joint Town Hall Meeting County Commission District 1 and 2, Thursday, March 29, 2007 at 6:00 pm
- c. Proof, Notice to Bidders, Bid No. 07-79
- d. Proof, Notice to Bidders, Bid No. 07-82

(05/01/07 - 6 - 9:25 a.m.)
PUBLIC COMMENT

Teresa Doyle, 5448 2nd St., spoke in opposition to the asphalt plant and shared some information she had received with the Board. She urged the Board to visit APAC on a day when they were operational so they could experience the full effect of the plant. She encouraged that they be screened before being permitted to bid in any future bidding process.

(9:29 a.m.) Rich said that he had talked with Ken Bryant and they were working on an agreement to get the APAC plant to move to another area within the county.

(9:32 a.m.) Sanchez reported that he had toured the plant on another day when it was in operation and they had been working on the issue of the plant's relocation.

(05/01/07 - 6 - 9:32 a.m.)
ADDITIONS/DELETIONS TO REGUAR AGENDA

Rich requested that Item 14 be time certain at 1:30 p.m.; Manuel requested an ITS presentation, by Bonnie Barnes, be added as Item 2A; and McCormack requested that they add a Separation and Release Agreement, pertaining to a personnel issue, as Item 15A.

Kropacek requested the addition of a Sheriff's presentation to request participation in the U.S. Department of Justice Solving Cold Cases with DNA Grant Program as Item 15B. He requested that Item 15 to be time certain for 4:30 p.m.

(05/01/07 - 7 - 9:37 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/01/07 - 7 - 9:38 a.m.)

1. PUBLIC HEARING - DORI SLOSBERG DRIVERS EDUCATION SAFETY ACT ORDINANCE AMENDMENT - ST. JOHNS COUNTY, FLORIDA, HAS ALL POWERS OF SELF-GOVERNMENT NOT INCONSISTENT WITH GENERAL LAW OR SPECIAL LAW APPROVED BY THE VOTE OF THE ELECTORS. SECTION 318,1215, FLORIDA STATUTES (THE "DORI SLOSBERG DRIVER EDUCATION SAFETY ACT"), AUTHORIZES THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO ADOPT AN ORDINANCE, IN ORDER TO AUTHORIZE THE CLERK OF THE COURTS TO COLLECT AN ADDITIONAL DOLLAR AMOUNT WITH EACH CIVIL TRAFFIC PENALTY, FOR THE PURPOSE OF ENHANCING DRIVER EDUCATION PROGRAMS IN PUBLIC AND NON-PUBLIC SCHOOLS LOCATED WITHIN ST. JOHNS COUNTY. THE CLERK OF THE COURTS OF ST. JOHNS COUNTY, FLORIDA, REQUESTED THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMEND COUNTY ORDINANCE 2003-48, IN ORDER TO AUTHORIZE THE IMPOSITION OF \$5.00 (ABOVE ANY OTHER AUTHORIZED AND/OR IMPOSED PENALTY), IN ORDER TO ENHANCE DRIVER EDUCATION PROGRAMS IN PUBLIC AND NON-PUBLIC SCHOOLS LOCATED WITHIN ST. JOHNS COUNTY. THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, HAS DETERMINED THAT IMPOSING \$5.00 (ABOVE ANY OTHER AUTHORIZED AND/OR IMPOSED PENALTY) WILL PROVIDE FUNDING FOR THE ENHANCEMENT OF DRIVER EDUCATION PROGRAMS IN PUBLIC AND NON-PUBLIC SCHOOLS, THEREBY PROTECTING THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF ST. JOHNS COUNTY

Proof of publication of the notice of public hearing on the Dori Slosberg Driver Education Safety Act Ordinance Amendment was received, having been published in *The St. Augustine Record* on April 19, 2007.

Michael Hunt, Assistant County Attorney, reviewed the request by Cheryl Strickland, Clerk of Court, to amend County Ordinance 2003-48 in order to authorize imposition of \$5 (above any other authorized and/or imposed penalty) to provide funding for the enhancement of driver education programs in public and non-public schools located within St. Johns County.

(9:39 a.m.) Cheryl Strickland, Clerk of Court, 4010 Lewis Speedway, said the increase would be approximately \$120,000 per year, and noted that the BCC had the final say on who got what funding. She said there had been no interest expressed by private schools, but should that event arise, the Board would have the final say on funding.

(9:40 a.m.) Stevenson said Drivers' Education was very important and expressed her support and her hope that the other commissioners would support it as well.

(9:42 a.m.) Motion by Stevenson, seconded by Manuel, carried 5/0, to enact Ordinance No. 2007-28, an ordinance of St. Johns County, Florida, amending County Ordinance 2003-48; providing for an increase in the assessment to \$5.00 for each civil traffic violation in St. Johns County, in addition to any other penalty provided for violations under the Florida Uniform Traffic Control Law; providing for the collection of the \$5.00 penalty; providing that the funds generated by such penalty shall be used for the enhancement of driver education programs; providing that any driver education program receiving County funds require that a minimum of thirty percent of a student's time be behind-the-wheel training; providing severability; and providing for an effective date.

ORDINANCE NO. 2007-28

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE 2003-48; PROVIDING FOR AN INCREASE IN THE ASSESSMENT TO \$5.00 FOR EACH CIVIL TRAFFIC VIOLATION IN ST. JOHNS COUNTY IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR VIOLATIONS UNDER THE FLORIDA UNIFORM TRAFFIC CONTROL LAW; PROVIDING FOR THE COLLECTION OF THE \$5.00 PENALTY; PROVIDING THAT THE FUNDS GENERATED BY SUCH PENALTY SHALL BE USED FOR THE ENHANCEMENT OF DRIVER EDUCATION PROGRAMS; PROVIDING THAT ANY DRIVER EDUCATION PROGRAM RECEIVING COUNTY FUNDS REQUIRE THAT A MINIMUM OF THIRTY PERCENT OF A STUDENT'S TIME BE BEHIND-THE-WHEEL TRAINING; PROVIDING FOR AN EFFECTIVE DATE

(05/01/07 - 8 - 9:43 a.m.)

2. PRESENTATION ON THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION'S TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Wanda Forrest, First Coast Metropolitan Planning Organization (MPO), 1022 Prudential Drive, Jacksonville, gave a PowerPoint presentation on their Transportation Improvement Program (TIP) for fiscal year 2007/2008 through 2011/2012. She noted it was a Federally required document that identified all the transportation improvement within the First Coast MPO area. She reviewed the service area, including all of Duval County and portions of St. Johns, Nassau and Clay Counties, and said the MPO was created in 1978. She stated their responsibility was to develop, on an annual basis, the TIP as the short range transportation plan for the urbanized area. She reviewed the public involvement schedule; the approval date, June 14, 2007; and the TIP projects for St. Johns County, including the facility, the project description and the status/phase for each project.

(9:48 a.m.) Rich inquired about the 9B program, and whether the Legislature was doing anything towards helping to prioritize that roadway.

(9:49 a.m.) Forrest said they would be requesting a new priority list the following year, but this year's list was fixed.

(9:49 a.m.) Manuel gave a report on potential funding for 9B and his recent involvement with the MPO.

(9:53 a.m.) Forrest said they were developing their transportation plan thru 2035 and it was frustrating to them, as an MPO, to look at the funding cuts. She said as things were now they would certainly be in a shortfall.

(05/01/07 - 9 - 9:59 a.m.)

2A. ST. JOHNS VISION INTELLIGENT TRANSPORTATION SYSTEM (ITS)
PRESENTATION

Bonnie Barnes of St. Johns Vision, 1 News Place, introduced Steven Vaughn, 3501-B N. Ponce de Leon Blvd., a board member, who gave a PowerPoint presentation. He explained that ITS was the application of technology and institutional partnerships to enhance the operations and safety of our transportation system – saving lives, time and money. He said it had over 100 members, representing over sixty public and private sector organizations across the First Coast in traffic and transportation, municipal services, public safety, commerce, the military and special events, who work together to plan, coordinate, obtain funding and implement ITS projects. He reviewed the ITS Regional Master Plan and Strategy, which included the relief of traffic congestion, continued development of better traffic patterns at all intersections countywide and a decrease of the response time for emergency services calls in remote areas. He reviewed the benefits of adopting such a plan and also reviewed an ordinance developed for Jacksonville. He asked for the Board's support in those efforts.

(10:05 a.m.) Manuel asked that the County Attorney look at the Jacksonville ordinance to see if it would make sense to implement for St. Johns County.

The meeting recessed at 10:06 a.m. and reconvened at 10:12 a.m.

(05/01/07 - 9 - 10:13 a.m.)

3. CONSIDER APPOINTMENTS TO THE PONTE VEDRA ZONING &
ADJUSTMENT BOARD

Melissa Lundquist, Administrative Coordinator, gave the presentation.

(10:14 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to reappoint Robert D. Cameron to the Ponte Vedra Zoning & Adjustment Board, for a full four-year term, scheduled to expire January 7, 2011.**

(10:14 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to reappoint Robert W. Metcalf to the Ponte Vedra Zoning & Adjustment Board, for a full four-year term, scheduled to expire May 6, 2011.**

(05/01/07 - 9 - 10:15 a.m.)

4. CONSIDER APPOINTMENT TO THE PLANNING & ZONING AGENCY

Melissa Lundquist, Administrative Coordinator, gave the presentation.

(10:16 a.m.) **Motion by Manual, seconded by Sanchez, carried 5/0, to appoint Rita Friedman to the Planning and Zoning Agency, for a partial term, scheduled to expire December 1, 2009.**

(10:17 a.m.) Deanne Grayson, 4304 Turnbull Drive, St. Augustine, thanked the Board for their support. Board members expressed their appreciation for her service.

The meeting recessed at 10:24 a.m. and resumed at 10:37 a.m.

(05/01/07 - 10 - 10:37 a.m.)

5. COUNTY ADMINISTRATOR FINALISTS SELECTION

Gene DeMarie, Colin Baenziger & Associates, Sr. Vice President, 34840 Springfield Rd., Sorrento, FL, gave the presentation and a brief synopsis of the process to locate a new county administrator. He reviewed the nine semi-finalists, and said that seven candidates had extensive experience within the state of Florida, and all had impeccable credentials. He recommended the voting procedure which he had previously discussed with the board chairman and with the county attorney. He said their choice was based on what they had seen on paper. He asked the Board to check off the five people they wished to select and the sixth highest vote getter would be their alternate. Rich asked the commissioners to vote.

(10:47 a.m.) DeMarie read the votes by each commissioner and announced the results of the vote: Garland "Keith" Chadwell, Frank W. Clifton, Jr., Patrick G. Salerno, Michael D. Wanchick and Michael J. Wright, each with four votes; and Robert J. Bartolotta, as the alternate with two votes.

(10: 53 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to adopt the vote as presented.**

(10:54 a.m.) DeMarie reviewed the remainder of the selection process, including notification to the finalists. He said on May 17 a reception, open to the public, would be held at the World Golf Village Hall of Fame to meet the candidates in a social setting, and the following day one-on-one interviews would be held with each commissioner meeting individually with each candidate. After lunch on May 18 public interviews will be held with each candidate in the auditorium. On May 22, a special meeting will be held at 9:00 a.m. for the one item of voting for the candidate they wished to select. He said discussion of the candidates would be appropriate during that meeting, if they so desired. He suggested that their comments should be limited to why they prefer certain candidates. He said the process would then go to the county attorney for the negotiation of a contract.

(11:03 a.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to adopt Resolution 2007-125, recognizing a public purpose in holding events associated with the county administrator selection process.**

RESOLUTION NO. 2007-125

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING AND FINDING THAT COUNTY EXPENDITURES OF PUBLIC FUNDS FOR THE COUNTY EVENTS, ASSOCIATED WITH THE SELECTION OF THE COUNTY ADMINISTRATOR SERVE A PARAMOUNT PUBLIC PURPOSE AND SUCH FUNDS MAY LAWFULLY BE USED FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE

(05/01/07 - 10 - 11:05 a.m.)

6. CONSIDER A MOTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH ELKINS CONSTRUCTORS, INC. FOR A LUMP SUM CONTRACT IN THE AMOUNT OF SIXTEEN MILLION TWO HUNDRED EIGHTY-SIX THOUSAND AND

00/100 DOLLARS (\$16,286,000.00) FOR THE ST. JOHNS COUNTY
ADMINISTRATION BUILDING

Michael Rubin, Director of Construction Services, gave the presentation and explained the new Administration building was being constructed to house the St. Johns County Board of County Commissioners, Administration, County Attorney, Office of Management & Budget, Real Estate and Land Management (including the GIS and Survey Departments), MIS, Minutes & Records, and other support groups as required.

(11:07 a.m.) Manuel asked the timeline for construction. Rubin said he anticipated being in the building within 24 months from that day's date.

(11:08 a.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to authorize the Interim County Administrator to enter into a contract with Elkins Constructors, Inc., for a lump sum contract in the amount of sixteen million two hundred eight-six thousand and 00/100 Dollars (\$16,286,000.00).**

(05/01/07 - 11 - 11:09 a.m.)

7. CONSIDER A MOTION TO ADOPT A RESOLUTION SUPPORTING MOTION PICTURE, TELEVISION AND DIGITAL MEDIA PRODUCTION INCENTIVES IN ST. JOHNS COUNTY, FLORIDA

Sanchez gave a brief history of the request for a resolution of support for the motion picture industry.

(11:09 a.m.) Chris Ranung, 403 Shamrock Rd., thanked them for taking the time to consider the resolution. He said it was critical to the health and existence of the film making industry in Florida.

(11:11 a.m.) Rich suggested changes to the resolution to include "State sponsored" before the word "motion" and to change the word "in" to "by" St. Johns County, Florida.

(11:13 a.m.) **Motion by Sanchez, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2007- 126, supporting State sponsored motion picture, television and digital media production incentives by St. Johns County, Florida.**

RESOLUTION NO. 2007- 126

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, A
POLITICAL SUBDIVISION OF THE STATE OF
FLORIDA, SUPPORTING STATE SPONSORED
MOTION PICTURE, TELEVISION AND DIGITAL
MEDIA PRODUCTION INCENTIVES BY ST. JOHNS
COUNTY, FLORIDA**

(11:14 a.m.) Sanchez reviewed a study by *The Florida Times Union* regarding a study on government broadcast television, in which the staff in St. Johns County, led by Margaret Laidlaw, got an "A" for the quality of their production. He said the award was recognition for the quality of their production.

(11:15 a.m.) Rich explained that the cable connection had been dropped by Comcast during the selection process for the new county administrator, as well as for Items No. 6 & 7, and those segments would be re-run on Saturday, and possibly before then if they

were able to arrange it. He read the names of those who had been selected for interviews and the name of the alternate.

(05/01/07 - 12 - 11:17 a.m.)

8. PUBLIC HEARING - APPEAL TO PZA APPROVAL OF SPECIAL USE PERMIT/ZADMAPL 2007-02, AMITY MARINA - THIS REQUEST IS AN APPEAL BY PORT ST. JOHN AND WEDGEWOOD ROAD RESIDENTS, AGGRIEVED ADJACENT PROPERTY OWNERS, OF A SPECIAL USE PERMIT APPROVED BY THE PLANNING AND ZONING AGENCY ON DECEMBER 7, 2006. THE APPROVED SPECIAL USE PERMIT ALLOWS THE SALE FOR ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER AND WINE) UNDER THE REGULATION OF STATE OF FLORIDA TYPE 2COP LICENSE IN CONNECTION WITH AN EXISTING RESTAURANT AND MARINA IN A CHT ZONING DISTRICT, TO ALLOW FOR CHANGE IN OWNERSHIP. THE PROPERTY IS LOCATED AT 1106 FRIENDSHIP DRIVE. ON FEBRUARY 2, 2007 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 ZAD 2007-02, Friendship Drive, was received, having been published in *The St. Augustine Record* on April 4, 2007.

Marie Hobbs, Assistant Zoning Manager, gave the presentation, and explained that it was an appeal by the Port St. John and Wedgewood Road residents, aggrieved adjacent property owners, of a Special Use Permit approved by the Planning and Zoning Agency on December 7, 2006. She said they had received a request from the appellant for a continuance.

(11:17 a.m.) Rich asked for advice from McCormack.

(11:18 a.m.) McCormack said the appealing party had asked for a continuance due to the fact that their legal counsel was unable to attend the meeting that day. He said the Board had wide latitude in making their decision on a continuance. He recommended that they err on the side of caution and grant a two-week continuance. He said that an appeal was a possibility and he hoped they would keep the process as clean as possible.

(11:21 a.m.) Manuel said there were a number of people there for public comment and they deserved the opportunity to be heard. He asked for guidance on allowing them the opportunity to speak. McCormack said if supporters of the marina spoke and there was no ability to cross examine them, it might cause concern about the record. He said the marina had done everything it should have done and had not caused anything to delay today's hearing. He said he was concerned about how it would look on appeal with no cross examination. Rich said he was sympathetic to those present, but the Board would not be meeting the standard for hearing the entire case if they spoke. There was considerable discussion regarding whether or not to hear those present.

(11:27 a.m.) McCormack asked for a sidebar with the marina's counsel, Doug Burnett. Rich declared a recess. The meeting resumed at 11:32 a.m.

(11:42 a.m.) Doug Burnett asked them to look at it from the perspective of his client. He said they had waited for over five months. He asked that they allow staff to give their 2COP license so they could at least operate in the interim.

(11:50 a.m.) Rich questioned the expenditures that would occur due to a temporary permit being issued, in order for his client to do business. McCormack said they would

be proceeding at their own risk and any decision staff would make would be conditioned upon the appeal being heard.

(11:52 a.m.) Burnett said that delaying the item for two weeks would be agreeable with his client. McCormack said it would be his advice to hear it in two weeks.

(11:53 a.m.) Rich said if the Board supported the continuance they would also be supporting the issuance of the temporary 2COP license.

(11:54 a.m.) Stevenson said the people who initiated the process had not be approached and asked whether they concurred.

(11:54 a.m.) Don Friedman, 1184 Wedgewood Rd., spoke for the group, and said the two week continuance would be acceptable.

(11:54 a.m.) Bryant clarified that the motion on the floor was that the request be continued, but that they could continue to use the special use permit. Rich said that was correct. Bryant stated that was the only way he would support the item.

(11:56 a.m.) Motion by Rich, seconded by Bryant, carried 5/0, to continue to a time certain position as Item 1 or 1A on the agenda for May 15. In the interim period, the approved permit is to be honored and the special use permit for Amity Marina is to be in effect, with the understanding that it will be subject to the hearing on May 15.

The meeting recessed for lunch at 11:56 a.m. and reconvened at 1:30 p.m. with Commissioners Rich, Bryant, Stevenson, and Sanchez; Kropacek; James Whitehouse, Assistant County Attorney; and Deputy Clerk Lenora Newsome present. Commissioner Manuel was absent.

The meeting moved to Item 14.

(05/01/07 - 13 - 3:02 p.m.)

9. PUBLIC HEARING - REZ 2006-47, WORTHLY PROPERTY - THIS IS A REQUEST TO REZONE 9.16 ACRES FROM OR (OPEN RURAL) TO RS-3 (RESIDENTIAL-SINGLE FAMILY 3) FOR THE POSSIBLE FUTURE DEVELOPMENT OF FOURTEEN (14) SINGLE-FAMILY LOTS. THE PROPERTY CURRENTLY CONSISTS OF VACANT FORESTED LAND. THE PARCEL IS LOCATED ON THE EAST SIDE OF PALM VALLEY ROAD, AND NORTH OF EGRETS WALK LANE. THE DEVELOPMENT IS LOCATED WITHIN THE RESIDENTIAL B (COASTAL), AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. ADJACENT LAND USES ARE RESIDENTIAL B (COASTAL) TO THE NORTH AND WEST AND RESIDENTIAL C (COASTAL) TO THE SOUTH AND EAST. THE LAND IS CURRENTLY ZONED OR (OPEN RURAL). ADJACENT ZONES ARE PLANNED UNIT DEVELOPMENT (PUD), WITH SINGLE-FAMILY HOMES, TO THE EAST AND SOUTH, OPEN RURAL TO THE NORTH (OR) AND OPEN RURAL (OR) AND RESIDENTIAL - SINGLE-FAMILY 3 (RS-3) TO THE WEST. THE PLANNING AND ZONING AGENCY GAVE A FAVORABLE RECOMMENDATION TO THIS REZONING REQUEST AT THEIR MARCH 15, 2007 HEARING, BY A VOTE OF 7/0

Proof of publication of the notice of public hearing on REZ 2006-47, Worthly Property, was received, having been published in *The St. Augustine Record* on April 17, 2007.

Lindsay Haga, Chief Planner, gave a Presentation on the request to rezone 9.16 acres be rezoned from OR to RS-3. Rich noted an email he received from Cherie Reagor

regarding having adequate retention and that the drainage plan did not negatively impact her property. Discussion ensued.

(3:10 p.m.) Gary Davenport, 5378 Fourth Street, addressed the drainage issues.

(3:14 p.m.) George Meyer, 103 Harbor Island Court, spoke in favor of this item.

(3:16 p.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-30, known as REZ 2006-47, Worthly Property, adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2007-30

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

(05/01/07 - 14 - 3:17 p.m.)

10. PUBLIC HEARING - REZ 2006-29, THOMAS BUSINESS PARK - THIS IS A REQUEST TO REZONE 9.8 ACRES FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW). THE SITE IS LOCATED ADJACENT TO EXISTING INDUSTRIAL USES CONSISTING OF RINKER MATERIAL, BAKER CONTRACTORS, AND SW MATERIALS, LOCATED SOUTH OF INTERNATIONAL GOLF PARKWAY AND US 1. THE SITE IS DESIGNATED INDUSTRIAL ON THE FUTURE LAND USE MAP. THE STATEMENT OF FACTS INDICATES THE APPLICANT PROPOSES TO DEVELOP A 4.0 ACRE SOD YARD AND 27,000 SQUARE FEET OF BUSINESS PARK SPACE (OFFICE, WAREHOUSES AND OUTDOOR STORAGE). A PORTION OF THE SITE CONTAINS A SINGLE-FAMILY HOME PROPOSED TO BE CONVERTED TO AN OFFICE. ADJACENT FUTURE LAND USE CATEGORIES INCLUDE INDUSTRIAL AND A SMALL AREA OF MIXED USE. ADJACENT ZONING DESIGNATIONS INCLUDE IW AND OR. THE SITE WILL BE SERVED BY CENTRAL WATER AND SEWER PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MARCH 1, 2007 HEARING BY A VOTE OF 5/0 (LAIDLAW/GRAYSON). DISCUSSION DURING THE HEARING QUESTIONED THE REQUIREMENTS TO IMPROVE THE ROADWAY, THE PROVISION OF UTILITIES AND THE LOCATION OF THE REQUEST ADJACENT TO EXISTING INDUSTRIAL USES

Proof of publication of the notice of public hearing on REZ 2006-29, Thomas Business Park, was received, having been published in *The St. Augustine Record* on April 17, 2007.

Lindsay Haga, AICP, Chief Planner, reviewed this item.

(3:19 p.m.) Karen Taylor, 3070 Harbor Drive, on behalf of Robert Thomas, stated this was pretty straight forward.

(3:20 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-31, known as REZ 2006-29, Thomas Business Park, with findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2007-31

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
INDUSTRIAL WAREHOUSE (IW); MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE

(05/01/07 - 15 - 3:21 p.m.)

11. PUBLIC HEARING - NOPC 2007-01, NOCATEE DRI - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE NOCATEE DRI DEVELOPMENT ORDER, RESOLUTION 2001-30. THE REQUEST IS TO REVISE THE NOCATEE DRI DEVELOPMENT ORDER, RESOLUTION 2001-30, TO MODIFY SPECIAL CONDITION 17 WETLANDS, TO STATE THAT NO UPLAND BUFFER IS REQUIRED BETWEEN JURISDICTIONAL WETLANDS AND ROAD CROSSINGS, PUBLIC INFRASTRUCTURE AND UTILITY CROSSINGS OR RIGHTS-OF-WAY FOR CONVEYANCE OF SERVICE, WETLAND IMPACTS AS PERMITTED BY STATE OR FEDERAL REGULATORS, BERMS ASSOCIATED WITH STORMWATER PONDS THAT ARE LOCATED ADJACENT TO JURISDICTIONAL WETLANDS OR ANY SIMILAR SITUATION TO THE PREVIOUS WHERE A REQUIRED UPLAND BUFFER WOULD ELIMINATE ALL REASONABLE USE OF A PROPERTY. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING THEIR APRIL 5, 2007 MEETING AND VOTED 6-0 TO RECOMMEND APPROVAL OF THE NOPC TO THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of the notice of public hearing on NOPC 2007-01, Nocatee, was received, having been published in *The St. Augustine Record* on March 21, 2007.

Jason Cleghorn, Planner III, reviewed this item, stating that Item 12 was related to this item. Stevenson spoke on the wetlands. Cleghorn responded on road construction and wetlands.

(3:27 p.m.) Thomas Ingram, Esq., 245 Riverside Avenue, stated he was there for any questions.

(3:28 p.m.) Mayor Louis Ritter, 985 Palm Valley Road, spoke on having property along CR 210 and on being notified when roads were being closed. Stevenson spoke on notifying people of road closures in their area. Rich mentioned that maybe the Board should require developers to put out electronic signs two to three weeks before any road closures. Sanchez agreed with Stevenson.

(3:42 p.m.) Greg Barbour, The PARC Group, 4314 Pablo Oaks Court, Jacksonville, spoke on traffic flow and road closures. Discussion followed on displaying signs regarding road closures. Stevenson spoke on road standards.

(3:50 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke on buffers and wetlands, stating that they didn't need to build anything adjacent to the wetlands.

(3:54 p.m.) Cleghorn mentioned that they added additional language to the MajorMod on Item 12. Ingram spoke on the county ordinance. Stevenson read part of a letter that was in the packet. (4:00 p.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0,**

to adopt Resolution No. 2007-127, approving a Notice of Proposed Change to the Nocatee DRI Development Order, adopting findings of fact 1 through 4 to support the motion.

RESOLUTION NO. 2007-127

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE NOCATEE DRI DEVELOPMENT ORDER, AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON FEBRUARY 23, 2001 UNDER RESOLUTION NO. 2001-30; AND PREVIOUSLY MODIFIED BY RESOLUTION NO. 2006-95, APPROVED MARCH 21, 2006; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(05/01/07 - 16 - 4:01 p.m.)

12. PUBLIC HEARING - MAJMOD 2007-03, NOCATEE PUD - THE SUBJECT PROPERTY IS LOCATED NORTH AND SOUTH OF CR210/PALM VALLEY ROAD, EAST OF US 1 AND WEST OF THE INTRACOASTAL WATERWAY. THE 11,332 ACRE SITE IS BOUNDED TO THE WEST BY THE NOCATEE PRESERVE, TO THE SOUTH BY THE MARSHALL CREEK (PALENCIA) DRI, TO THE EAST BY MIXED USE DEVELOPMENT, CONSISTING OF SINGLE-FAMILY DEVELOPMENT AND COMMERCIAL PROPERTIES. THE CHANGES REQUESTED UNDER THIS MAJOR MODIFICATION SEEK TO ADOPT MODIFICATIONS PROPOSED UNDER THE ASSOCIATED NOTICE OF PROPOSED CHANGE (NOPC 2007-01) BY MODIFYING SECTION 7.4 OF THE ADOPTED PUD TEXT. SPECIFICALLY, THIS MAJOR MODIFICATION REQUESTS THE FOLLOWING CHANGES: CLARIFY THAT NO UPLAND BUFFER MUST BE CREATED BY FILLING WETLANDS FOR THE SOLE PURPOSE OF CREATING AN UPLAND BUFFER, ALLOW ROAD AND UTILITY CROSSINGS, STORMWATER PONDS, AND THEIR ASSOCIATED BERMS TO BE LOCATED ADJACENT TO WETLANDS WITHOUT THE NEED FOR A PRESERVED UPLAND BUFFER, ALLOW FOR DEVELOPMENT ADJACENT TO WETLANDS WITHOUT THE NEED FOR AN UPLAND BUFFER WHERE THE REQUIREMENT FOR A BUFFER WOULD ELIMINATE ALL REASONABLE USES OF THE PROPERTY. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM DURING THE APRIL 5, 2007 HEARING AND VOTED 5-1 TO RECOMMEND APPROVAL WITH AMENDMENTS TO THE PROPOSED PUD TEXT LANGUAGE

Proof of publication of the notice of public hearing on MAJMOD 2007-03, Nocatee, was received, having been published in *The St. Augustine Record* on March 21, 2007.

Jason Cleghorn, Planner III, reviewed this item, stating that there was additional language added on page 2 in Section 7.44. (4:04 p.m.) Patrick McCormack, County Attorney, entered the meeting. Stevenson asked about the dot lots. Cleghorn responded that the dot lots were an addition. Teresa Bishop addressed the dot lot situation. (4:06 p.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to enact Ordinance No. 2007-32, known as MAJMOD 2007-03, Nocatee MDP, adopting findings of fact 1 through 6 to support the motion and the language change in 7.4.4 and 7.4.5.** Whitehouse left the meeting.

ORDINANCE NO. 2007-32

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO THE NOCATEE PLANNED UNIT
DEVELOPMENT, ORDINANCE NUMBER 2002-46;
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING FOR AN
EFFECTIVE DATE

(05/01/07 - 17 - 4:08 p.m.)

13. PUBLIC HEARING - PUD 2006-20, BOARDWALK PLANNED UNIT DEVELOPMENT - THIS IS A PROPOSED PLANNED UNIT DEVELOPMENT REZONING APPLICATION, LOCATED IN THE NW SECTOR OF ST. JOHNS COUNTY ON SR 16, WEST OF I95, EAST OF WHISPER RIDGE PUD. THE PROPERTY IS DESIGNATED MIXED USE ON THE FUTURE LAND USE MAP, WHICH PROVIDES A DENSITY OF 13 DU/NET ACRE AND NON RESIDENTIAL USES. THE REZONING APPLICATION PROPOSES TO REZONE FROM COMMERCIAL GENERAL (CG) TO PUD TO ALLOW FOR THE DEVELOPMENT OF TWELVE (12) MULTI-FAMILY UNITS. THE TOTAL PROJECT SIZE IS 1.072 ACRES. SURROUNDING ZONING DESIGNATIONS INCLUDE PUD, OR AND CHT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL, INCLUDING ALL WAIVERS AS REQUESTED, OF THIS ITEM AT THEIR FEBRUARY 15, 2007 MEETING, BY A VOTE OF 7/0 (GRAYSON/WHEELER), SUBJECT TO THE FOLLOWING CONDITION(S): PROVIDE DOCUMENTATION OF AFFORDABLE HOUSING GUARANTEE. DISCUSSION DURING THE HEARING FOCUSED ON THE DENSITY GIVEN THE WAIVERS REQUESTED TO SOME PROVISIONS OF THE LDC; HOWEVER, BY PROVIDING AFFORDABLE HOUSING DOCUMENTED THROUGH AN ESTABLISHED PROGRAM, THE PZA BOARD FOUND THE PROJECT WILL SERVE A PUBLIC PURPOSE

Proof of publication of the notice of public hearing on PUD 2006-20, Boardwalk PUD, was received, having been published in *The St. Augustine Record* on April 17, 2007.

Lindsay Haga, AICP, Chief Planner, reviewed this item, including the waivers. Bryant asked about the certificate of concurrency. Haga responded.

(4:11 p.m.) Karen Taylor, 3070 Harbor Drive, stated that the certificate of concurrency was issued on February 9, 2007, and that it was a conversion. Bryant asked how many trips were allowed under the commercial and residential. Taylor replied that there was a reduction in trips. She spoke on the development scenic edge requirement and explained all the waivers.

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

(4:19 p.m.) **Motion by Sanchez, seconded by Rich, carried 4/1 with Manuel opposing, to enact Ordinance No. 2007-33, known as PUD 2006-20, Boardwalk PUD, adopting findings of fact one through seven to support the motion, and waivers one through four.**

ORDINANCE NO. 2007-33

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM COMMERCIAL
GENERAL (CG) TO PUD (PLANNED UNIT
DEVELOPMENT); PROVIDING FINDINGS OF FACT;

PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/01/07 - 18 - 1:31 p.m.)

14. PUBLIC HEARING - PUD 2006-16, WESTMINSTER WOODS - THIS IS A PLANNED UNIT DEVELOPMENT REZONING REQUEST AND MAJOR MODIFICATION TO THE EXISTING WESTMINSTER WOODS PUD, APPROVED UNDER ORDINANCE 98-30, AS AMENDED. THE SITE IS SUBJECT TO A SMALL SCALE LAND USE AMENDMENT, PROPOSED TO DESIGNATE APPROXIMATELY 3.5 ACRES AS RESIDENTIAL C ON THE FUTURE LAND USE MAP. THIS REQUEST SEEKS TO REZONE AND ADD ACREAGE INTO THE PROJECT BOUNDARY, MODIFY THE PHASING SCHEDULE COMMENCEMENT AND COMPLETION DATES, REALLOCATE USES BETWEEN PHASES AND MODIFY THE USES APPROVED WITHIN THE PUD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MARCH 1, 2007 MEETING BY A VOTE OF 6/0 (WHEELER/PINCKET; ONE MEMBER ABSENT) CONTINGENT UPON THE FOLLOWING FINDINGS OF FACT: 1) ADDITIONAL LANGUAGE WILL BE ADDED TO MAINTAIN THE EXISTING TREES AND LANDSCAPING WITHIN THE NW SECTOR SCENIC EDGE AND ALLOW FOR THE EXISTING BUILDINGS AND STRUCTURES; 2) LIMIT BUILDING HEIGHT IN PHASE 4 NORTH TO JULINGTON CREEK, DOWN TO THE DAM OF TURTLE CREEK AS SHOWN ON THE MDP; HEIGHT WILL NOT EXCEED THREE STORIES OR FORTY (40) FEET; 3) HEIGHT IS RESTRICTED TO THIRTY-FIVE FEET FOR THE EXISTING ALF/NURSING FACILITY; 4) HEIGHT IS RESTRICTED TO TWENTY-FIVE FEET FOR THE PROPOSED DUPLEXES; 5) ADDITIONAL LANGUAGE TO UTILIZE THE EXISTING BUILDINGS TO CONVERT USE TO ASSISTED LIVING FACILITY DURING THE TRANSITION; AND 6) REFORMAT THE WAIVER REQUEST TO ADDRESS THE PRESERVATION AND LIMITATION OF APPLICATION. DISCUSSION DURING THE HEARING ADDRESSED THE COMMENTS ABOVE, CENTERED ON THE HEIGHT OF THE EXISTING BUILDINGS AND THE PROPOSED STRUCTURES

Proof of publication of the notice of public hearing on PUD 2006-16, Westminster Woods, was received, having been published in *The St. Augustine Record* on April 17, 2007.

Lindsay Haga, AICP, Chief Planner, reviewed this item. Rich asked if Staff still objected to the waiver. Haga responded. (1:36 p.m.) Manuel entered the meeting. Stevenson spoke on the buffer requirements. Whitehouse spoke on the discussion regarding the road they would have to tear out to put in a new road.

(1:40 p.m.) Karen Taylor, 3070 Harbor Drive, reviewed the changes: reconfiguration of the site, the tree cover, retirement apartments, and meeting all the requirements of the Comp Plan. She spoke on where the trailer park was located and the concern about the septic tanks.

(1:51 p.m.) Steve Cook, 1105 Michigan Court, Winter Springs, FL, stated that they had a commitment to take care of the people already there. Rich asked if the people who live there buy or rent. Cook responded.

(1:55 p.m.) Roger Stevens, 80 West Lucerne Circle, Orlando, stated legally they could ask a resident in one community, under a continuing care contract, to move to another community. Rich asked if the facility was sold, would the residents be given the option

to move to another facility. Stevens addressed the continuing care agreement contract, and stated that the language in the contract was governed by the State. Rich stated that it was his understanding that the insurance commissioner could alter the contract at the request of the ownership. Stevens responded. Stevenson spoke on the Westminster site.

(2:02 p.m.) Richard Hauer, 1500 Bishop Estates Road, spoke in favor of the PUD.

(2:05 p.m.) Herman Zipperer, 1500 Bishop Estates Road, spoke in favor of the PUD.

(2:08 p.m.) Wilton J. Ohl, 1500 Bishop Estates Road, spoke in favor of the PUD.

(2:15 p.m.) Phyllis Abbatiello, 1133 River Birch Road, spoke on the tree coverage and the height of the buildings.

(2:18 p.m.) James Blount, 212 B Westminster Circle, spoke in favor of the PUD.

(2:20 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, asked the Board to deny the rezoning request and major modification to the existing Westminster Woods PUD.

(2:22 p.m.) John Baynes, 25 SR 13, spoke on the trees and the buffer zone.

(2:24 p.m.) Harry Campbell, 25 SR 13, spoke on the longevity of ownership, and recommended that the proposed changes be accepted.

(2:29 p.m.) Richard Cuthbert, 25 SR 13, spoke in favor of the PUD.

(2:31 p.m.) Fran Ziolkowski, 260 Bell Branch Lane, spoke on the height of the buildings.

(2:33 p.m.) Haga spoke on the height of the buildings. Taylor spoke on the existing 50-foot buildings and reviewed the new buildings. She spoke on keeping it under the tree canopy. Manuel asked about the PZA comments: Taylor responded. Discussion followed on the height of the buildings. (2:47 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-29, known as PUD 2006-16, Westminster Woods PUD, adopting findings of fact 1 through 6 to support the motion, including the six findings of the PZA, which support Comprehensive Plan Policy A.2.1.4, including the waiver to the buffer.**

ORDINANCE NO. 2007-29

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION AND REZONING FROM OPEN
RURAL TO PLANNED UNIT DEVELOPMENT TO THE
WESTMINSTER WOODS PLANNED UNIT
DEVELOPMENT (PUD) ORDINANCE NUMBER 98-30,
AS AMENDED, MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING FOR
AN EFFECTIVE DATE

The meeting recessed at 2:51 and reconvened at 3:02 p.m., and returned to Item #9.

(05/01/07 - 19 - 4:21 p.m.)

15. PRESENTATION ON FLORIDA INLAND NAVIGATION DISTRICT'S 2007 INTRACOASTAL WATERWAY MAINTENANCE DREDGING PROJECT IN THE VICINITY OF MATANZAS INLET

David Roach, Executive Director, Florida Inland Navigation District (FIND), gave the presentation, which included a history of FIND, and said it was the State sponsor of the Atlantic Intracoastal Waterway. He reviewed its purpose as the routine maintenance dredging of the ICW channel in the vicinity of Matanzas Inlet, the project partners, the proposed project at Matanzas Inlet, the dredging location, the timeline and placement. He also reviewed the dredging methodology and sea turtle protection.

(4:28 p.m.) Rich asked where sand was dumped after 1975. Roach responded it was on Summer Haven Beach. He said this time they were dumping sand on the south end of the beach because of property rights. He said they would prefer to put the sand on the north end of the beach, but did not have the necessary property rights. He said the current site could not hold the entire volume of sand that was to be removed. Rich asked if there was a long term plan. Roach responded that it was to put the sand back into the system where it should be, to continue its movement south. He said a study was currently underway to further investigate how they could keep sand from entering the Matanzas Inlet and the ICW.

(4:35 p.m.) Manuel expressed concern with the timing of the proposed operation. He asked about easements. Roach said the County had issued them five easements, four of which had expired. Roach said he was requesting a letter from staff to place sand in the right-of-way of Old A1A. Manuel said this was turtle nesting season and this was a turtle nesting area. He said he could not support the request unless it was postponed until after November 1, when the turtle nesting season was over. Roach said the problem was that the job had been contracted at \$1.5 million, which would be lost due to a \$1 million termination fee. The Corps of Engineers said the contract could not be changed. Roach said they had the easements in place and were prepared to go forward with the project on the north end of the beach, with the Board finalizing the property rights for the north end of the project. He said where they currently had property rights was at the area where they had the highest density of turtle nesting.

(4:41 p.m.) Rich said the Commission had been placed in an uncomfortable situation as they were required, by law, to take care of the uniqueness of the County, including the process of turtle nesting. He said the planning of the awarding the contract for this time period stunned him and he was appalled. He asked specifically what was necessary to get sand deposited at the north end of the island. Roach said he was asking that a letter be written to staff to be allowed to deposit sand in the right-of-way of Old A1A. Rich said the sand would migrate and affect the turtle nesting areas there.

(4:45 p.m.) Stevenson said they had been required to have a lengthy and expensive plan to protect turtles and she had an issue with being placed between the taxpayers' pocketbook and endangering species. Roach said they had moved eight to ten nests in the past and it seemed to have worked. He said they were willing to work with the County Habitat Protection Plan. He took full responsibility for the issue and said they were only looking for assistance this year.

(4:50 p.m.) Rich took issue with the statement that the contract could not be modified.

(4:52 p.m.) Sanchez said it was a safety issue for those using the ICW and it concerned him. He said they were supposed to protect the people, the situation was dangerous and over a period of time it would become more so.

(4:53 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke in opposition to the request and reviewed the facts concerning turtle relocation and the decline of the turtle population. He said the possibility of doing harm was substantial, and the solution was

to postpone the project until after November 1. He said the second possibility was to direct the sand offshore, where beaches to the south would be re-nourished.

(5:01 p.m.) Sarah Owen, 201 Owens Ave., Florida Wildlife Federation, presented a map showing the nesting area at the proposed site, and noted it was a very high sea turtle nesting area. She questioned why they had waited so late to begin the project, realizing they had full knowledge that the permits would be expiring.

(5:05 p.m.) Rick McMillan, Army Corps of Engineers, 4912 River Basin Dr., Jacksonville, spoke in regards to the contracting procedure. He reviewed the problems that would be created for their contractors.

(5:08 p.m.) Charles Padera, 4704 Shore Dr., St. Augustine, Florida Inland Navigational District Chairman and volunteer, spoke about the project and said it had been permitted by Fish and Wildlife and had been going on for a number of years. He said the Corps of Engineers had told them that they could not cancel the contract because they would lose \$1 million in St. Johns County taxpayer money. He said County staff had found an option, by placing sand on the north end of the beach, that would be better for the turtles and they would also add dune shaping and sea oat planting to enhance environmental protection.

(5:12 p.m.) Bryant asked the break down of the funding between FIND and the Corps of Engineers. Roach said \$1.3 million was from FIND and \$200,000 was from the Corps of Engineers. Bryant asked the millage rate and the amount of money generated. Roach said it was .0385, and generated about \$600,000 during the budget year. Bryant said those were local tax dollars and the Board had to be stewards of them. He agreed with the other commissioners, but said if this was a one time request with proper guidelines to protect the turtle population, he would support it. He said they were subject to lose the money and hoped there was some way they could come to a compromise.

(5:25 p.m.) McCormack said he wanted to give the Board their full range of options. He said they were not in the position to stop the Army Corps of Engineers from dumping sand on the south end of the beach. He said when Brewer and her staff realized the problem; they were astute enough to come up with a solution. He said US Fish and Wildlife had permitted the project and believed that with its conditions, it would protect the turtles. He asked that in addition to on-site work, if they would be willing to do some mitigation at other spots within the County. Padera said it would have to go before their board and funding would have to be sought, a time consuming process. McMillan said they had already committed to the dune shaping and replanting of sea oats.

(5:30 p.m.) Rich said the question was whether the sand would go on the north end or the south end of the beach. He suggested they meet with each commissioner's administrative staff. Padera said the scope of the contract could be anywhere along the beach. He said they had two weeks to make some sort of decision. Rich asked if they could hold off until the next meeting, on May 15. McMillan said it was too tight a timeline. Rich said the documents could be prepared to be signed on the spot if they got approval.

(5:33 p.m.) Manuel questioned the easements on the southern end of the beach. Roach said they had the necessary perpetual easements. He said the four easements were only in play to put sand there.

(5:34 p.m.) Padera clarified that if they could get the letter from the Board to place sand on the north end of the beach within the two week period, they could proceed, but if

not they would be going forward with the less environmentally friendly option. Rich said they would have documents ready for the northern end depending on how things worked out with staff.

The meeting recessed at 5:38 p.m. and reconvened at 5:44 p.m.

(05/01/07 - 22 - 5:44 p.m.)

15a. PRESENTATION ON A SEPARATION AND RELEASE AGREEMENT FOR A PERSONNEL ISSUE

McCormack gave the presentation and said he was seeking authorization to execute a Separation and Release Agreement pertaining to the personnel issue and claims made by the former manager of the Ponte Vedra Beach Branch Library, Ms. Mary Thomas, and \$58,549.90 would be the approximate amount.

(5:46 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to authorize the Chairman to execute a Separation and Release Agreement in a form approved by the County Administrator and County Attorney; and appropriate all necessary funds from the General Fund Reserve (0083-59920) to cover any associated budget shortfalls for Library Services (0078).

(05/01/07 - 22 - 5:47 p.m.)

15b. SHERIFF'S PRESENTATION

Sgt. Jay Lawing, with the St. Johns County Sheriff's Office, manager of the Violent Crimes Unit, gave the presentation. He said they had recently been offered an opportunity to submit for a grant to fund violent crime cold case investigations, up to a \$500,000 limit over an 18 month timeframe. He said there had 32 cold cases and 8 missing persons cases still open in St. Johns County, dating back to 1960. He said their current grant request was for \$371,000, which would fund two detective positions, one of which would be an experienced detective. He said it would also fund contract services for DNA testing and they were asking for an additional \$100,000 for that service. He explained that the Sheriff's Office was dedicated to starting the cold case unit whether they received the grant or not, but the grant would allow them to start the program without encumbering the County for at least 18 months. The only requirement, he noted, would be at the end of the grant, when the County would need to absorb the two detective positions into the Sheriff's Office through the budget process.

(5:50 p.m.) Rich said he was not a fan of the bait and switch operation proposed by the Federal Government because it had no legs for future funding.

(5:52 p.m.) Lawing said he had come up with a system for the systematic review of the cases to determine which ones were compatible with DNA testing, and could be solved through DNA testing within the 18 month period. He said they were probably going to fund two investigative positions by the end of that time anyhow. He noted the grant would allow them to do the DNA testing at the Federal government's expense, so the County would not have to budget for it.

(5:53 p.m.) Rich said they were looking at fund cuts right now and they were asking for two new positions.

(5:54 p.m.) Stevenson said it seemed like a worthy cause to solve a backlog of murders. She asked if at the end of that procedure they would need that manpower anyhow. Lawing said that was the case. He said in the 17 years he had been with the Sheriff's

Office they had not built the Investigative Unit at the same rate they had the other units. Stevenson said it made sense to clear out the cases with one time funding and indicated she could support it.

(6:01 p.m.) Bryant said the Sheriff's Office would have some natural expansion and these two positions should be considered within the natural expansion of the department.

(6:02 p.m.) Manuel said he would support the request with the caveat of no new FTE increases. Rich said he would support that.

(6:03 p.m.) Kropacek said he had worked closely with the Sheriff's budget staff and he said the positions would be absorbed through attrition, which would not result in new FTEs.

(6:05 p.m.) **Motion by Stevenson, seconded by Sanchez, to authorize the Sheriff's Office to participate in the U.S. Department of Justice Solving Cold Case with the DNA Grant Program.** Manuel asked that an amendment be added to the motion, to read: "without increase of FTEs in the Sheriff's Department." Bryant said they could not affect a budget two years in the future. McCormack added that they could not bind a future Board. Sanchez said he would accept the amendment if the maker of the motion would accept it. *Stevenson withdrew her motion. Sanchez withdrew his second.*

(6:09 p.m.) **Motion by Manuel, seconded by Sanchez, to authorize the Sheriff's Office to participate in the U.S. Department of Justice Solving Cold Cases with DNA Grant Program, conditional upon no increases in FTEs.** Bryant asked which budget year was applicable. Manuel responded, the current budget year. Bryant said that would require them to fill both positions from within and he wasn't sure if they had someone to fill it. Lawing said they did not.

(6:10 p.m.) Lawing said that if that was a condition to get approval for the grant, it was more important to get the grant than to approve the two positions. He said he would withdraw that from the grant proposal.

(6:14 p.m.) **Motion carried 4/1, with Bryant opposing.**

(6:15 p.m.) Stevenson asked if they could apply for it with the positions included. Lawing said if they put the manpower in and discovered they were going to have budgetary problems in the future, they could tell the funding agency not to fund it. He said his goal was to go for the full grant amount.

(05/01/07 - 23 - 6:17 p.m.)
COMMISSIONERS' REPORTS

Commissioner Manuel:

Manuel expressed concern about the Mariposa project in Putnam County, and said it would be on Putnam County Board's agenda a week from that day. He stated he had found enabling statute 38.651, and had been discussing it with the County Attorney, which would permit St. Johns County to re-enter the discussion because of shared infrastructure. He asked the Board for consensus to allow him to work with the County Attorney to draft a letter that would give them the opportunity to address the impacts that Mariposa would have upon the citizens of St. Johns County. *There was Board consensus for the request.*

Commissioner Bryant:

Bryant said he had received correspondence from Susan Danley of South Ponte Vedra Blvd. regarding erosion in that area, which said there would be a presentation on May 29 by a group from that area. She said they wanted to establish a MSBU for that area to seek solutions to the problem.

Bryant reported that Rep. Proctor had sent them a note stating that the historic properties in St. Augustine had been transferred to State control.

Commissioner Stevenson:

Stevenson thanked the Chamber of Commerce for the Early Learning Coalition program for young men and women to honor their most influential teachers, and to have them present at the program.

She requested staff follow-up on Sawmill Lakes residents' concerns about their right-of-way. She said the Ponte Vedra Community Coalition had expressed interest in taking the issue on and a NOPC was in the works. She asked that staff take part in that discussion and support it with information about where they were in that process. *She received Board consensus for the request.*

Commissioner Sanchez:

Sanchez commented on the amphitheatre, and said there had been a great turn out for the past weekend's events. He said he was very pleased.

Commissioner Rich:

Rich commented on an editorial printed by *The Record* by an individual whose name he could not recall. He said staff had informed him that they had received a letter from the same individual, approximately one year ago, in which the writer endorsed Signature Entertainment and Bruce Lucker's operation as being the one that should run the amphitheatre. He said the current editorial reflected what a horrible job the County had done at the first event held there. He said the bias on the face of it was fraudulent from the beginning and he was saddened to see that *The Record* gave it credibility.

He asked to be allowed to deal with Legal staff regarding a flyer from Senator Michael Bennett of District 21, regarding the Truth in Government Act, which required that individuals be sworn in when testifying before a legislative committee. It said that if an individual, including a legislator, knowingly lied before a committee, they could be criminally charged with perjury. He said the Truth in Government Act applied only to the legislators in Tallahassee, but suggested there might be something they could do locally. He asked the County Attorney to look into it.

(6:27 p.m.) McCormack said Chapter 286.0115 had information regarding that matter, and they could look at that.

(05/01/07 - 24 - 6:28 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Kropacek said he was proud of the work that Margaret Laidlaw, Tommy and Dion had done with GTV and appreciated the hard work they had done.

He reported that the budget hearings would finish up the next day.

He said the Amphitheatre would be in full swing that weekend with the Gamble Rogers Folk Festival, and urged all to attend and see the facility for themselves.

(05/01/07 - 25 - 6:28 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack commented regarding parks and looking at the issue of parks in development orders and questioned how much staff should do in that regard.

With there being no further business to come before the Board, the meeting adjourned at 6:30 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 399876 through 399898, totaling \$38,570.87 (03/29/07)
2. St. Johns County Board of County Commissioners Check Register, Check No. 400175 through 400411, totaling \$2,489,430.58 (04/10/07)
3. St. Johns County Board of County Commissioners Check Register, Check No. 400412 through 400435, totaling \$39,566.29 (04/12/07)
4. St. Johns County Board of County Commissioners Check Register, Check No. 400436 through 400734, totaling \$4,466,865.76 (04/17/07)

CORRESPONDENCE:

1. Letter dated April 18, 2007, from Wendy M. Berger, regarding Atlanta Expressway Partners Ltd. and Sawgrass Hotel Partners Ltd.

Approved May 29, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

