

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 29, 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

(05/29/07 - 1 - 9:03 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(05/29/07 - 1 - 9:03a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(05/29/07 - 1 - 9:04 a.m.)
Stevenson gave the invocation and Bryant led the Pledge of Allegiance.

(05/29/07 - 1 - 9:40 a.m.)
PROCLAMATION RECOGNIZING JUNE 4-8, 2007 AS CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK

Sanchez read the proclamation, which was accepted by James Acosta on behalf of his staff: Daniel Perkins, Horace Perry, Steve Wyland, Leslie Banta, and Glenda Mink. Acosta thanked his staff and their families for their hard work.

(05/29/07 - 1 - 9:44 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Manuel, seconded by Sanchez, carried 5/0 to approve the Proclamation as presented.

(05/29/07 - 1 - 9:05 a.m.)
DELETIONS TO CONSENT AGENDA

McCormack said that Consent 13 was to be pulled. He said that on Consent Item 14, it should be noted that an approval was pending resolution of a caveat in a title opinion, which could be done administratively, and it could remain on the Consent Agenda with the addition of that caveat.

Stevenson asked that Consent Item 8 be added to Regular Agenda as 17 A.

(05/29/07 - 2 - 9:09 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
05/01/07 - BCC Regular Meeting
3. Sheriff Office Bonds:
Approve: Megan Melton

Cancel: Katie Norman Josue Rivera Gerald Tyburski
Sherri Toth Lindsay Willis Jessica Morgan
4. Motion to adopt **Resolution No. 2007-142**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Construction and Demolition Debris between St. Johns County, Florida, and Waste Watchers of Jacksonville, LLC and authorizing the County Administrator to execute the Non-Exclusive Franchise Agreement for Construction and Demolition Debris on behalf of St. Johns County, Florida

RESOLUTION NO. 2007-142

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR CONSTRUCTION AND DEMOLITION DEBRIS BETWEEN ST. JOHNS COUNTY, FLORIDA, AND WASTE WATCHERS OF JACKSONVILLE, LLC, AND AUTHORIZING THE COUNTY AMINISTRATOR TO EXECUTE THE AMENDMENT TO THE CONSTRUCTION AND DEMOLITION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

5. Motion to adopt **Resolution No. 2007-143**, to authorize the Interim County Administrator to execute the FCT Grant Contract Agreement for the Mussallem Beachfront Park and authorize Wil Smith to serve as Key Contact for the project

RESOLUTION NO. 2007-143

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF THE GRANT CONTRACT AND AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR AND SUCCESSOR TO EXECUTE THE GRANT CONTRACT AND ALL NECESSARY REIMBURSEMENT DOCUMENTS BETWEEN ST. JONNS COUNTY, FLORIDA AND THE FLORIDA

**COMMUNITIES TRUST FOR MUSALLEM
BEACHFRONT PARK**

6. Motion to adopt **Resolution No. 2007-144**, approving the terms of the Frequency Reconfiguration Agreement between St. Johns County, Florida, and Nextel South Corporation, authorizing the Chairman of the Board of County Commissioners of St. Johns County, Florida, to execute the Frequency Reconfiguration Agreement on behalf of the County, and instructing the Clerk of the Court to file the Frequency Reconfiguration Agreement in the County Public Records

RESOLUTION NO. 2007-144

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF THE FREQUENCY RECONFIGURATION AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND NEXTEL SOUTH CORPORATION, PURSUANT TO THE FEDERAL COMMUNICATIONS COMMISSION ORDER OF AUGUST 6, 2004, IN ORDER TO RECONFIGURE 800 MHZ FREQUENCIES LICENSED TO ST. JOHNS COUNTY, FLORIDA, UNDER CALL SIGNS WQFU 649 AND WQFU 240, TO SEPARATE THE FREQUENCIES IN THE 800 MHZ BAND FROM HARMFUL INTERFERENCE FOR FUTURE USE OF THE FREQUENCIES FOR INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS FOR THE BENEFIT OF THE PUBLIC; AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE FREQUENCY RECONFIGURATION AGREEMENT ON BEHALF OF THE COUNTY; AND INSTRUCTING THE CLERK OF THE CIRCUIT COURT TO FILE THE INTERLOCAL AGREEMENT IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY

7. Motion to adopt **Resolution No. 2007-145**, approving the terms and conditions of the Landscape Maintenance Renewal Agreement between St. Johns County, Florida, and the State Department of Transportation, and authorizes the County Administrator to execute the Renewal Agreement on behalf of the County

RESOLUTION NO. 2007-145

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A RENEWAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF ROADWAY AESTHETICS ON THEIR RIGHTS-OF-WAY ALONG A PORTION OF SR A1A IN NORTH SAINT JOHNS COUNTY AND A PORTION ALONG SR-13 IN NORTHWEST SAINT JOHNS COUNTY

8. Motion to adopt a resolution amending and supplementing County Resolution No. 2006-442, for the purpose of amending the project list contained therein

This item became 3A on the Regular Agenda.

9. Motion to adopt **Resolution No. 2007-146**, 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 (7 of 16 parcels)

RESOLUTION NO. 2007-146

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

10. Motion to adopt **Resolution No. 2006-147**, approving the terms of a License Agreement authorizing use of a portion of County owned property located off of Old Moultrie Road and authorizing the Interim County Administrator to execute the Agreement

RESOLUTION NO. 2007-147

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING USE OF A PORTION OF COUNTY OWNED PROPERTY LOCATED OFF OF OLD MOULTRIE ROAD AND AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT

11. Motion to adopt **Resolution No. 2007-148**, 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 (8 of 16 parcels)

RESOLUTION NO. 2007-148

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

12. Motion to adopt **Resolution No. 2007-149**, 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 (9 of 16 parcels)

RESOLUTION NO. 2007-149

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

13. Motion to adopt a resolution approving a final plat for Countrywalk

This item was pulled.

14. Motion to adopt **Resolution No. 2007-150**, approving final plat for St. Johns Forest Unit Four

RESOLUTION NO. 2007-150

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS FOREST UNIT FOUR

15. Motion to adopt **Resolution No. 2007-151**, setting a public hearing date of June 26, 2007 at 9:00am to hear a request that the County does not have a basis for any interest of a portion of Old Dixie Highway lying within Parcel 22

RESOLUTION NO. 2007-151

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SETTING A PUBLIC HEARING DATE OF JUNE 26, 2007 AT 9:00 AM TO HEAR A REQUEST THAT THE COUNTY DOES NOT HAVE A BASIS FOR ANY INTEREST OF A PORTION OF OLD DIXIE HIGHWAY LYING WITHIN PARCEL 22

16. Motion to approve the transfer of \$100,000 from Utility Reserves (4426-59920) to fund remaining FY 07 Lift Station maintenance expenses and reimburse other accounts in the following amounts: \$50,000 for Lift Station Other Maintenance [4416-54603], \$36,000 for Lift Station Contractual Services [4416-53120] and \$14,000 for Lift Station Software [4416-55102]
17. Motion to adopt **Resolution No. 2007-152**, approving the terms and conditions of an Amendment to a Contract between St. Johns County, Florida, and EPIC Community Services, for the provision of services through the Drug Court Program, and authorizing the Chairman of the Board of County Commissioners of St. Johns County, to execute the Amendment to the Contract, on behalf of the County

RESOLUTION NO. 2007-152

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND EPIC

**COMMUNITY SERVICES FOR THE DRUG COURT
PROGRAM, AUTHORIZING THE CHAIR OF THE
BOARD OF COUNTY COMMISSIONERS TO EXECUTE
THE AGREEMENT ON BEHALF OF THE COUNTY**

18. Motion to adopt **Resolution No. 2007-153**, accepting the terms of the third 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. 2007-153

**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**

19. Motion to authorize the Tree Bank expenditure not to exceed \$60,405 for Hancock Place dba St. Johns Housing Partnership, a 36 unit single family affordable housing development and Motion to Transfer \$60,405 from Tree Bank Capital Outlay Reserve (1231-59927) to Tree Bank Contractual Services (1231-53120)
20. Motion to authorize staff to prepare and execute the appropriate note & mortgage for the payment of utility connection fees for The Oaks Housing Partners, Ltd. on the following terms: \$25,000 on 7-12-07; \$100,000 on 7-12-08; \$100,000 on 7-12-09 and \$144,198.40 on 7-12-10 at zero percent interest
21. Motion to declare the attached list of items as surplus and authorize staff to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274
22. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, Ayres Associates for RFP# 07-81 Traffic Operation & Safety Improvements. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until an agreement is reached with one (1) firm
23. Motion to authorize the Interim County Administrator, or his designee, to execute a contract with R.G. White Construction in the amount of \$296,532.00 for Bid # 07-48 Restoration of the Farmhouse & Citrus Packing Barn at Alpine Groves Park
24. Motion to authorize the Interim County Administrator, or his designee, to award a contract to E. J. Breneman, L.P. in the amount \$133,086.25 and a Task Order to Atlantic Coast Asphalt in the amount of \$178,583.76 for Bid # 07-69, CR 214 Paving using Cold Recycled Bituminous
25. Motion to authorize the County Attorney to hire an Interim Special Magistrate for the Code Enforcement Board until such time as the Board has selected one or more permanent Special Magistrates through Ordinance No. 2007-21

26. Motion to approve the transfer of \$10,000 from General Fund Reserves (0083-59920) to the Board of County Commissioners Special Events (0002-54801) to cover expenses associated with the new County Administrator interview process
27. Proofs:
 - a. Proof, Notice to Bidders, RFP No. 07-88
 - b. Proof, Notice of Meeting, Canceled and rescheduled meeting of the St. Johns County Water & Sewer Authority, Monday, May 7, 2007 to Wednesday, May 9, 2007 at 9:00am
 - c. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Ordinance to Finance Affordable Housing Projects, Tuesday, May 15, 2007 at 9:00am
 - d. Proof, Notice to Bidders, Bid No. 07-86

(05/29/07 - 7 - 9:10 a.m.)
PUBLIC COMMENT

Dr. David Rice, 148 Bartram Park Drive, St. Johns, spoke urging the Board to continue funding for social services.

(9:17 a.m.) Sherry Badger, Collins Ave., asked the Board for their help on resolving ongoing problems in their community regarding Code violations in Westgate Plaza. She reported that large trucks were picking up trash before 6:00 a.m., and dumpsters had been left in the buffered zone. She said complaints were made to the Code Enforcement officers and nothing had been done to correct those violations. She stated that a new site plan was to be approved soon and numerous outstanding issues had not been corrected. She said gas tanks had been buried without a permit and large trucks were driving over the site where the tanks had been buried. General discussion ensued regarding enforcement of the ordinance.

(05/29/07 - 7 - 9:46 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Kropacek pulled Item No. 6, 9, & 15. Item 8 from Consent to be moved to Item 3A from what had previously been 17A and Item 4A was added for the carry forward on the Courthouse roof replacement.

(05/29/07 - 7 - 9:48 a.m.)
APPROVAL OF REGULAR AGENDA

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

(05/29/07 - 7 - 10:54 p.m.)
PUBLIC ANNOUNCEMENT BY MIKE KUYPERS, FLORIDA DIVISION OF FORESTRY DISTRICT MANAGER AND/OR GARY CARPENTER, FOREST AREA SUPERVISOR FOR ST. JOHNS COUNTY CONCERNING PUBLIC HEARING SCHEDULED FOR THE 10 YEAR MATANZAS STATE FOREST MANAGEMENT PLAN

Gary Carpenter, Forest Area Supervisor, Division of Forestry, apologized for being late, and said it was due to a fire in Volusia County. He announced they were soliciting comments for the Ten Year Plan on the Matanzas State Forest, and there would be a Public Hearing on Thursday, June 7 at 7:00 p.m. at the St. Johns Count Cooperative Extension Service at the Wind Mitigation Building, 3111 Agricultural Center Drive, St.

Augustine. He said the public could contract Mike Kuypers for a copy of the Ten Year Plan and encouraged them to participate.

(05/29/07 - 8 - 9:49 a.m.)

1. PRESENTATION ON ALTERNATIVE APPROACH TO INDIGENT HEALTH CARE

Commissioner Mary Kohnke gave the presentation, as a member of the St. Johns County Civic Roundtable Finance Committee. She noted they had looked into costs, and stated that a new contract had been suggested by the Roundtable for the Social Service Department with the use of CPT codes and was met with resistance and refusal from Social Services staff. She gave a history of what had transpired on the issue over the past ten years, regarding the Hastings Primary care facility and the St. Augustine Primary Care facility. (Exhibit A) She reviewed the Hastings and Flagler Primary Care Clinic Data (Exhibit B). General discussion ensued regarding pertinence and reliability of the figures presented. Kohnke said what she was presented was a matter of public record, and it was necessary to present the old information in order to understand what the new ideas she planned to present would entail. She said they were suggesting a fee for service model for service to indigents based on Medicare or Medicaid payments. She said CPT codes would allow them to pay less than the current average of \$200 at Flagler and \$400 at Hastings. She gave the advantages of that system. She said she was simply asking for accountability.

(10:10 a.m.) Stevenson asked if they went on a fee for service basis how they would cap the total. Kohnke said they could cap it but she predicted they would pay far less even if they used the Medicare figures. She said CPT code usage would provide the needed accountability.

(10:20 a.m.) Gloria Benischeck, 28 Sea Park Dr., agreed with what Dr. Kohnke had said. She said that while she was employed as the Social Services director, she had tried to explain to County Administration and to her supervisors that the amounts being paid by the County were escalating out of control. She said providers had constantly found reasons why they could not provide accountability for their prices and their services.

(10:25 a.m.) Sanchez said accountability was complicated but they would get into it soon and it was on the top of his list. Benischeck said Medicaid reform was on the horizon, and would involve one provider for all services within the County. She suggested they keep things as they were currently. Sanchez said it could not be left as it was because it had to be fixed. Benischeck said there were terms in the contract that had to be adhered to and the staff was unable to enforce them, and that had included the County Attorney.

(10:31 a.m.) Stevenson noted Benischeck had retired during the past year and said she knew it had been a frustrating issue for her. She clarified that Benischeck's concerns were that the situation could be made worse with the writing of a new RFP. Stevenson said it was a large and complicated issue and she said they needed to work to make it better, but the Board needed to take into consideration that they could make the situation worse with a re-written RFP. There was general discussion regarding writing a new RFP and the attempts being made by various Commissioners in that regard.

(10:41 a.m.) Kohnke states she was told during budget hearings that the Board was preparing an RFP on that particular item. She suggested that the item be discussed at a commission meeting before they finalized an RFP.

The Board recessed at 10:43 a.m. for ten minutes and resumed at 10:53 a.m.

(05/29/07 - 9 - 10:57 a.m.)

2. PRESENTATION ON CITIZEN EFFORTS TO SAVE AND RESTORE THE BEACHES

Tom Turnage, South Ponte Vedra/Vilano Beach Restoration Association Inc., gave a PowerPoint presentation, and explained the SPV-Vilano was a not-for-profit corporation formed for the purpose of restoring, protecting, and nourishing the beaches of South Ponte Vedra & Vilano Beach, Florida. He showed pictures that exhibited the extensive erosion that had taken place, and noted at least one home had been condemned due to structural undermining. He said their options were to set back the property, which had been done as much as possible, to armor the property, or to restore and re-nourish the beach from an offshore site. He reviewed the advantages and disadvantages of each option. He said that Amelia Island Plantation in Nassau County had formed a local taxing unit to fund the project for renourishment. He said the advantage of that project was that it protected the beach, structures, infrastructure and was environmentally friendly. He reviewed how State funds could be applied for and explained what they would fund. He said he was there to discuss the feasibility study of which the State would pay fifty percent. He said a Municipal Service Benefit Unit (MSBU) could be utilized for a beach restoration project, and explained how it would work. He reviewed the area that would be covered by such a study, and estimated that the cost would be about \$25,000,000. He said the state might pay as much as half and a MSBU could sponsor the project for ten years and would come to \$1.4 million dollars a year. He reviewed what it would cost each oceanfront property owner.

He said he was there that day because they needed to get a feasibility study done, and the DEP had earmarked \$140,000 for the study. He said his association would raise the remainder of the funds. He said the DEP would only award it to a County matched fund, and proposed that the association could partner with the County and raise the money needed.

(11:17 a.m.) Rich asked the legal standing for the County. McCormack said he was impressed with the presentation and the initiative taken by those citizens. He said he had reviewed a draft resolution, but more time was needed to review it and his sense was that they could find a way to do it.

(11:19 a.m.) Rich asked that it be handled on an emergency basis in order to get it on an agenda for approval. He asked for Board consensus to move it onto the agenda as a consent item. *There was Board consensus.*

(11:20 a.m.) McCormack said they would like to add it to the June 5 agenda which would give them time to review it.

(11:22 a.m.) Stevenson asked why the dynamics had changed so dramatically on the beach. Turnage said the dredging in St. Augustine and Jacksonville could have an impact, but noted that until they did the impact study, they would not have definitive answers. He said it was happening all along the east coast of Florida.

(11:26 a.m.) Rich said they would move forward on June 5.

(05/29/07 - 10 - 11:27 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT BETWEEN BRENNER LAND COMPANY, LLC. AND ST. JOHNS COUNTY FOR PROPERTY NEEDED

TO CONSTRUCT A PRISON FARM (SHERIFF'S AGRICULTURAL WORK CENTER)

Sheriff Shoar, St. Johns County, gave the presentation. He complemented Vonasek, Cameron and Kropacek for their outstanding work and cooperation with his agency.

He asked the Board to support a resolution associated with the purchase of land for the Sheriff's Agricultural Work Center. He said the previous Board had approved a jail renovation and part of the project was the Sheriff's Agricultural Unit and training center. He said it would relieve crowding in the current correctional facility, and they were cognizant of the fact the cost had gone up considerably since it was approved. He said the discussion was to move some of the funding that was dedicated through bonds for the agricultural center over to the prison renovation, which would leave them just enough to purchase the property. He said they would have to come up with additional funding for the construction of the facility itself. He stated it would increase the lifespan of the jail for 20 years, but it would be maxed out on space by 2011 if they took no action.

(11:32 a.m.) **Motion by Stevenson, seconded by Sanchez, to adopt Resolution 2007-154, carried 5/0, approving the terms and authorizing the Interim County Administrator to execute a Purchase and Sale Agreement between Brenner Land Company, LLC. and St. Johns County for property needed to construct a Prison Farm (Sheriff's Agricultural Work Center.)**

RESOLUTION NO. 2007-154

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT BETWEEN BRENNER LAND COMPANY, LLC. AND ST. JOHNS COUNTY FOR PROPERTY NEEDED TO CONSTRUCT A PRISON FARM (SHERIFF'S AGRICULTURAL WORK CENTER)

(05/29/07 - 10 - 11:34 a.m.)

3A. MOTION TO ADOPT A RESOLUTION AMENDING AND SUPPLEMENTING COUNTY RESOLUTION NO. 2006-442 FOR THE PURPOSE OF AMENDING THE PROJECT LIST CONTAINED THEREIN *(Previously Item 8 from Consent Agenda)*

Stevenson commented that on the May 1 agenda they had approved the naming of Aberdeen Park to Veteran's Park and asked that it be changed for consistency to Veteran's Park, and she asked that Exhibit A on the bonds be changed to reflect that name change. She said that item was approved on the Consent agenda.

(11:36 p.m.) Vonasek questioned whether the bond language would predominate. McCormack suggested they use an "also known as" (AKA) reference.

(11:37 p.m.) **Motion by Stevenson, seconded by Sanchez, to approve Consent Item 8, along with the notation of the change of the name to Veteran's Park (if practical).** Rich asked that the following amendment be added: **to adopt Resolution No. 2007-155, amending and supplementing County Resolution 2006-442 for the purpose of amending the project list contained therein along with the name change from**

Veteran's Park from Aberdeen. The amendment was accepted by the Stevenson and Sanchez. **Motion carried 5/0.**

RESOLUTION NO. 2007-155

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 2006-442 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON NOVEMBER 14, 2006, WHICH RESOLUTION AUTHORIZED THE ISSUANCE BY THE COUNTY OF ITS SALES TAX REVENUE BONDS, SERIES 2006; FOR THE PURPOSE OF AMENDING THE PROJECT LIST CONTAINED THEREIN; AND PROVIDING AN EFFECTIVE DATE

(05/29/07 - 11 - 11:38 a.m.)

4. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A STANDARD CONSTRUCTION CONTRACT WITH SAUER, INC. IN THE AMOUNT OF \$13,374,900.00, AND TO ISSUE A DEDUCTIVE CHANGE ORDER TO SAUER, INC. IN THE AMOUNT <\$1,347,646.00> PER THE ATTACHED COST SAVINGS ALTERNATES FOR A REVISED CONTRACT AMOUNT OF \$12,027,254.00 FOR BID # 07-61 ST. JOHNS COUNTY JAIL EXPANSION PROJECT

Michael Rubin, St. Johns County Construction Manager, gave the presentation. He thanked the Sheriff's Office and staff, the architect and their construction manager for all their cost cutting efforts, and noted they were still trying to find ways to reduce the costs even further. He gave a synopsis of the history of the project and listed ways in which the costs had been reduced. He said the Sheriff had agreed to reappropriate \$2.2 million from the Prison Farm project to the Jail Expansion Project.

(11:42 a.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to authorize the County Administrator of his designee, to enter into a Standard Construction Contract with Sauer, Inc. in the amount of \$13,374,900.00, and to issue a deductive change order to Sauer, Inc. in the amount <\$1,347,646.00> per the attached cost savings alternates for a revised Contract Amount of \$12,027,254.00.

(05/29/07 - 11 - 11:42 a.m.)

- 4A. CARRY FORWARD COURTHOUSE ROOF REPLACEMENT & BUILDING DEPARTMENT RE-ROOF

Michael Rubin stated it was a housekeeping item and explained the difficulty of the carry forward issue and said they were not always accurate. He noted that in that particular case they had missed it, and as a result needed to transfer funds in order that the contractor could be paid for his work.

(11:45 a.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to approve the transfer in the amount of \$109,805 from General Fund Reserves (0083-59920) to Building Operations-Building Maintenance (0032-54600) for the balance needed for the Courthouse Roofing project and motion to approve a transfer in the amount of \$7,584.00 from Building Services Reserves (1190-59920) for the balance needed for the Building Department Re-roof Project.

(05/29/07 - 12 - 11:45 a.m.)

5. DISCUSSION OF TREASURE BEACH CANALS ENGINEERING

Michael Rubin gave the presentation and said that on February 2007 the Board directed staff to procure an estimate from an experienced marine engineering firm for a proposal to study the feasibility of dredging the Treasure Beach Canals. He reported that on March 8 a copy of the requested proposal was forwarded to the Board Chairman, County Administrator, Assistant County Administrator and the Office of Management and Budget. He said the Board needed to consider the next step for the options available. He reviewed issues including bulkhead materials, cost analysis, County forces available, code enforcement and other issues. He advised that they not take any action until the Board conducted a feasibility study.

(11:48 a.m.) Rich said they were stuck until the study was done, and recommended that the feasibility study be financed out of General Reserves. Vonasek suggested that the amount of the project would require an RFQ or an RFP. He suggested it be studied in order to return to the Board with an amount. McCormack said staff knew their direction and it would not require a resolution.

(11:50 a.m.) Stevenson asked for a written summary of what had transpired and where they were headed on that issue.

Rich said a mechanism had not been decided on how to fund the item and the cost would be considerable, but there was consensus of the citizens that they wanted to pursue the project.

(05/29/07 - 12 - 9:46 a.m.)

6. CONSIDER REQUEST TO REFUND IMPACT FEES TO SAINT JOHNS DRI, IT LAND ASSOCIATES, LCC AND DAVIDSON DEVELOPMENT, INC.

Item 6 was pulled.

(05/29/07 - 12 - 11:54 a.m.)

7. PRESENTATION OF RECOMMENDED NAMES FOR COUNTY ROADS 2209, 223 AND 244

Betty Sue Stepp, Project Liaison, Growth Management Services, gave the presentation and reviewed the history of what had transpired with the naming of CR 2209, CR 223 and CR244. She reviewed the representation of Nancy Sikes Kline with the Historic Resource Research Board, Roger Van Ghent with the Land Acquisition Management Program Board, Robin Burchfield with the St. Johns County Chamber of Commerce, Angela Lane with Batts & Cook, and Charles Tingley with the St. Augustine Historic Resource Library. She said they had followed the requirements from the Land Development Code for road naming as well as guidance from 1996 Resolution 96-21. There was discussion of naming segments of the same existing road. She said they were proposing that they consider CR244 in two different sections, the north and the south with a separate name for each section. There was general discussion regarding naming sections of the same road different names.

(12:00 p.m.) Stevenson said the road naming issue came up during the SilverLeaf project, as they were building a big part of CR2209. She said the question arose as to whether they should be able to name what would be the largest road in St. Johns County. She said there was also concern about the Nocatee Parkway Extension designation. She said there was possible conflict about road naming with the

developers. She had suggested that 2209 should be named St. Johns Parkway but had been defeated on that suggestion.

(12:04 p.m.) Ed Brunson, 12243 Mantle Drive, Jacksonville, represented South Star Development Partners, the original developers of Aberdeen and Durbin Crossings. He said they had paid about \$35 million to put CR223, CR244 and CR2209 in place. He said there were numerous citations on their Development Order for the portion now known as CR244, a portion of which was within Aberdeen itself, and was shown as Aberdeen Blvd. on their internal site plan, which they would like that to remain as Aberdeen Blvd.

(12:08 p.m.) Jody Brooks, 245 Riverside Ave., Suite 500, Jacksonville, attorney for St. Joe Company, working on RiverTown, echoed the comments regarding RiverTown Parkway and said it was cited on the Development Order and they would prefer that it be referred to as RiverTown Parkway.

(12:09 p.m.) Nancy Sikes Kline, 15 Morella Ave., gave the suggested names and their histories for CR 2209 as Francis Fatio Parkway, Longleaf Pine Parkway, Minorcan Memorial Way, Satoriwa Way, Veterans Parkway, Woods Rider Road, Delius, and Audubon.

(12:16 a.m.) Stevenson questioned why CR 2209 couldn't be named St. Johns Parkway. Stepp said duplicated or sound alike names were taken off the proposed list. Rich suggested they set aside that roadway and see why they could not name it St. Johns Parkway. Stevenson said she also like Long Leaf Parkway and Audubon if they had to select from that list. Rich said he wanted something in writing from staff regarding the use of St. Johns Parkway and specifically stating why they could not name it that. Manuel asked McCormack whether Aberdeen Parkway had any legal standing and whether Rivertown Parkway had any real legal standing. McCormack said Florida Statute 336 gave the Board the authority to name and rename roads. The Board agreed to put the item aside until they got further information from 911, fire and police service. Rich suggested they continue the rest of the agenda item after the lunch break.

The meeting recessed at 12:21 p.m. for lunch and reconvened at 1:30 p.m. with four commissioners present and Bryant absent. Kropacek, McCormack, and Deputy Clerk Lenora Newsome were also present.

(1:33 p.m.) Betty Sue Stepp spoke on road names.

(1:34 p.m.) Nancy Sikes-Kline continued with the presentation on naming county roads.

(1:41 p.m.) **Motion by Rich, seconded by Manuel, carried 4/0 with Bryant absent, to name CR 223 Veterans Parkway.**

Rich recommended naming CR 244 north and south as one road instead of two different names. McCormack stated that when a road was named, it should be by resolution. He also mentioned that the formal motion and this motion should be adopted by resolution. *It was the consensus of the Board to adopt the last motion by Resolution No. 2007-157.* (1:46 p.m.) **Motion by Manuel, seconded by Sanchez, carried 4/0 with Bryant absent, to name by Resolution No. 2007-158, CR 244 as Long Leaf Pine Parkway North and Long Leaf Pine Parkway South.** (1:47 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to adopt Resolution No. 2007-156, to name CR 2209 as St. Johns Parkway.**

RESOLUTION NO. 2007-156

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING COUNTY ROAD 2209

RESOLUTION NO. 2007-157

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING COUNTY ROAD 223

RESOLUTION NO. 2007-158

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING COUNTY ROAD 244

(05/29/07 - 14 - 1:49 p.m.)

8. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO PURCHASE ANNUAL GASOLINE AND FUEL OIL FROM THE STATE OF FLORIDA CONTRACT #405-000-04-1, THROUGH JUNE 30, 2009

Joe Burch, Purchasing Manager, gave a presentation on the annual purchase of gasoline and fuel oil. (1:56 p.m.) **Motion by Manuel, seconded by Stevenson, carried 4/0 with Bryant absent, to authorize the County Administrator, or his designee, to purchase annual gasoline and fuel oil from the State of Florida Contract #405-000-04-1, through June 30, 2009.**

(05/29/07 - 14 - 9:46 a.m.)

9. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR CYPRESS TRACE PHASE III

This item was pulled from the agenda.

(05/29/07 - 14 - 1:57 p.m.)

10. CONSIDER TRANSFER OF MIZELL ROAD BUILDING AND WAREHOUSE

Joe Vonasek, Assistant County Administrator, reviewed this item. Rich commented on the transfer of the Mizell Road building and warehouse. Stevenson commented on the clean up costs. Manuel spoke on being in favor of purchasing it at the book value and making it an asset of the County. McCormack stated that the decision made today, if to purchase it, must be based on fair value. Sanchez stated that he would like to see Parks and Recreation located somewhere else. Rich spoke on leasing it and leaving it as an asset to the water company. Stevenson stated that they had a water plant there and there might be some issues that affect the value of the land. Discussion followed on buying or leasing.

(2:19 p.m.) Troy Blevins, Parks and Recreation Department, spoke on the location. Manuel stated that they should enter into a nominal month to month lease based on fair value, have Blevins look for a new location that suited his needs and let the asset remain an asset of the water company. (2:20 p.m.) **Motion by Rich, seconded by Sanchez, to adopt Resolution No. 2007-159, finding paramount public purpose and approving the Memorandum of Understanding for use of the facilities between Utility Services and the Recreation Department.** Stevenson stated that she needed to understand what the terms were. McCormack stated that if the Clerk had any comment on this, he would

rather hear it now than afterwards. Blevins stated that it did not meet the Recreation Department's long term operational needs.

(2:24 p.m.) Allen MacDonald, Finance Director, spoke on book value and fair market value. Vonasek stated that he didn't agree with some of MacDonald's language and explained. (2:28 p.m.) **The motion carried 4/0 with Bryant absent.** Stevenson asked for a reconsideration of the vote because she thought the representation was for fair market value not a dollar a year lease. (2:29 p.m.) James Whitehouse, Assistant County Attorney, entered the meeting. Stevenson, Sanchez and Manuel stated that they were not for a dollar a year lease. McCormack gave risk management advice; asked the Board to authorize the Real Estate Department to figure a fair rental value of a lease payment for this property with the idea that Recreation would not be there long term. (2:34 p.m.) **Motion by Stevenson, seconded by Manuel, to reconsider the previous vote on entering into a dollar a year lease for this piece of property.** Discussion followed. **The motion carried 3/1 with Rich opposed and Bryant absent.** (2:45 p.m.) Stevenson mentioned sending this back to staff to consider a lease agreement, possibly a relocation plan for the Recreation Department and if it was feasible. Vonasek spoke on needing a place for two to three years until the Recreation Department could move. Blevins stated he would like to go ahead and purchase it. Stevenson asked them to come back with a recommendation. *Rich requested Stevenson to withdraw her motion. Stevenson withdrew her motion.* (2:52 p.m.) **Consensus of the Board was to have staff come back with a lease agreement that was reasonable for that property and to take a look at other property that may be available to lease that would be even better for Blevins to have, where his vehicles weren't in jeopardy in the event of a storm surge.**

(05/29/07 - 15 - 2:53 p.m.)

11. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE RIVERTOWN ROAD AND PARK IMPACT FEE CREDIT AGREEMENT IN THE AMOUNT OF \$43,176,778 IN ROAD IMPACT FEE CREDITS AND IN THE AMOUNT OF \$11,168,544 PARK IMPACT FEE CREDITS

Lindsay Haga, Chief Planner, reviewed this item. She explained how the impact fee credit agreement worked. Discussion followed.

(3:00 p.m.) Nick Cassala, 136 Clear Lake Drive, stated that they had 500,000 square feet of commercial. Haga spoke on the mitigation package, or the requirement for the transportation improvements or even this \$43,000,000 estimate, was based off of current construction estimates for building CR 223 and CR 244. She stated that it was not tied to an estimate of impact fees coming out. Sanchez asked if it was a CDD. Haga responded yes, there were two CDDs. Sanchez asked if the cost of this road was a tax obligation to the people moving in. Haga replied yes. Sanchez stated that he had a problem with that. Rich asked what safeguards were in place to make sure that a CDD was not billing the value of the roads at the same time that they would be getting impact fee credits for the same road. Haga responded that there were no safeguards. Discussion followed on the impact fees. Whitehouse stated that it was restricted by law and by ordinance. McCormack spoke on impact fee credits and CDDs. Manuel spoke on getting a clear understanding. Sanchez spoke on having legal look into the possibility of a new system for controlling the money. Stevenson stated that the credit goes back to the entity that made the improvement.

(3:20 p.m.) Nick Cassala, 136 Clear Lake Drive, St. Joe Company, clarified some of the questions. He suggested a change in the pipeline funds; \$3,952,511 in section four, be corrected by \$471,008, totaling \$3,481,503 and made other comments on the agreement. Stevenson questioned the date the work would be completed, with Cassala responding.

Cassala continued with his comments. Haga stated to do a modification to include the changes to the pipelining funds. Rich commented on some park issues. Cassala spoke on the maintenance of the parks. Stevenson questioned the right-of-way costs. Haga responded. Manuel commented on the developer adding property to the development at a later time. Haga and Cassala responded. McCormack stated if there were amendments, they would have to pertain to the RiverTown DRI. Haga responded. (3:48 p.m.) **Motion by Stevenson, seconded by Manuel, carried 4/0 with Bryant absent, to adopt Resolution No. 2007-159, authorizing the County Administrator to execute the RiverTown Road and Park Impact Fee Credit Agreement in the amount of \$43,176,778 in Road Impact Fee Credits and in the amount of \$11,168,544 Park Impact Fee Credits adjusted to reflect the changes noted in the pipeline funds.**

RESOLUTION NO. 2007-159

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH THE ST. JOE COMPANY

The meeting recessed at 3:50 p.m. and reconvened at 4:02 p.m., with Manuel not present.

(05/29/07 - 16 - 4:02 p.m.)

12. PUBLIC HEARING - REZ 2007-02, WARD AG - THIS IS A REQUEST TO REZONE 4.34 ACRES FROM OPEN RURAL AND COMMERCIAL INTENSIVE TO COMMERCIAL INTENSIVE TO ALLOW EXPANSION OF THE ON SITE USE. THE EXISTING USE IS ALLOWED UNDER OPEN RURAL. THE STATEMENT OF FACTS PROVIDES THE PROPOSED REZONING IS CONSISTENT WITH THE CURRENT CI DESIGNATION ON THE SITE. THE PROPERTY IS LOCATED IN SOUTHWEST ST. JOHNS COUNTY, WITH ACCESS ONTO SR 207, EAST OF MORRISON ROAD. THE DEVELOPMENT IS SERVED BY WELL AND SEPTIC. ADJACENT AND SURROUNDING ZONING DESIGNATIONS INCLUDE OPEN RURAL, COMMERCIAL INTENSIVE, AND INDUSTRIAL WAREHOUSING. THE PROPERTY IS LOCATED IN THE MIXED USE DISTRICT ALONG SR 207. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR APRIL 19, 2007 HEARING, BY A VOTE OF 5/0 (TWO MEMBERS WERE ABSENT). DISCUSSION DURING THE HEARING QUESTIONED THE EXISTING ON SITE USE

Proof of publication of the notice of public hearing on Rezoning Correction 2007-02 was received, having been published in *The St. Augustine Record* on May 24, 2007.

Lindsay Haga reviewed this item. (4:03 p.m.) Manuel returned to the meeting.

(4:05 p.m.) Kevin Davenport, 245 River Plantation Road, provided two exhibits on the overhead projector. (4:06 p.m.) **Motion by Stevenson, seconded by Manuel, carried 4/0 with Bryant absent, to enact Ordinance No. 2007-41, known as REZ 2007-02, Ward Ag with findings of fact 1-4 to support the motion.**

ORDINANCE NO. 2007-41

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT

**ZONING CLASSIFICATION OF OPEN RURAL (OR)
AND COMMERCIAL INTENSIVE (CI) TO
COMMERCIAL INTENSIVE (CI); MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

(05/29/07 - 17 - 4:07 p.m.)

13. PUBLIC HEARING - ZNZVAR 2007-02, TURNING POINT AT CALVARY CHURCH - THIS REQUEST IS A ZONING NON-ZONING VARIANCE TO SECTION 7.00.02.B.1 OF THE LAND DEVELOPMENT CODE TO ALLOW FOR MORE THAN ONE ENTRANCE/MONUMENT SIGN FOR A CHURCH LOCATED WITHIN AN OR (OPEN RURAL) ZONING DISTRICT. THE LAND DEVELOPMENT CODE ALLOWS FOR ONE TWO-SIDED SIGN IN OPEN RURAL ZONING WITH A MAXIMUM OF THIRTY-TWO (32) SQUARE FEET. DUE TO THE CONFIGURATION OF THE ENTRY DRIVE AND TO ALLOW FOR MAXIMUM VISIBILITY FROM BOTH DIRECTIONS, THE APPLICANT IS REQUESTING TO HAVE THE ABILITY TO MOUNT TWO SINGLE SIDED SIGNS ON AN ENTRY FEATURE THAT WOULD BE VISIBLE FROM BOTH THE NORTH AND SOUTH TRAVEL LANES OF SR 16

Proof of publication of the notice of public hearing on ZVZVAR 2007-02, SR 16, was received, having been published in *The St. Augustine Record* on May 11, 2007.

Marie Hobbs, Assistant Zoning Manager, reviewed this item. Rich requested for Hobbs to get with staff and give a proposed change to the County Administrator of this spectacular section, so that they did not have to do non-zoning variances and stated that she could use her exact wording; entry drive and maximum and make changes for later. (4:09 p.m.) **Motion by Manuel, seconded by Rich, carried 4/0 with Bryant absent, to approve the Zoning Non-Zoning Variance to allow more than one entrance/monument sign at an existing Church, with findings of fact 1-5.**

(05/29/07 - 17 - 4:10 p.m.)

14. PUBLIC HEARING - NZVAR 06-002, PACETTI/MCDONOUGH SINGLE FAMILY HOMES - THIS REQUEST WAS PREVIOUSLY HEARD AND APPROVED AT THE APRIL 3, 2007 MEETING OF THE BOARD OF COUNTY COMMISSIONERS. LETTERS OPPOSING THE NON-ZONING VARIANCE REQUEST WERE RECEIVED THE DAY OF THE MEETING AND NOT ENTERED INTO PUBLIC RECORD AS A PART OF THE HEARING. SINCE THE LETTERS WERE NOT PART OF THE OFFICIAL RECORD FOR THE BOARD OF COUNTY COMMISSIONERS TO CONSIDER; THE OFFICE OF THE COUNTY ATTORNEY RECOMMENDS THAT THE NON-ZONING VARIANCE REQUEST BE REHEARD. THE APPLICANT IS REQUESTING A VARIANCE TO SECTION 6.04.07.B.2 OF ARTICLE VI OF THE LAND DEVELOPMENT CODE (LDC) FOR THE PURPOSE OF DIVIDING ONE EXISTING LOT INTO TWO LOTS. THIS SECTION OUTLINES EASEMENT REQUIREMENTS, NAMELY A STABILIZED ROADWAY SURFACE, IN ADDITION TO A MAINTENANCE AGREEMENT IN A FORM ACCEPTABLE TO THE COUNTY

Proof of publication of the notice of public hearing on NZVAR 2006-02, Pacetti/McDonough, was received, having been published in *The St. Augustine Record* on May 11, 2007.

John Burnham, Development Review, stated that this was a rehearing of an item previously heard and approved at the April 3, 2007 meeting. Rich spoke on the concern

originally for this item where the gentleman at the end of the road was doing all the maintenance on it. Burnham stated that the maintenance agreement would bind those from today's date forward. Discussion followed. Paras Desai, Assistant County Attorney, stated that the agreement was not done yet.

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

(4:17 p.m.) In response to a question by Rich, there was general discussion regarding methods the County could use to cause residents to participate in the road maintenance sufficient for emergency services, including establishing a MSBU.

(4:26 p.m.) Stevenson disclosed ex-parte with the Bowmans in the form of phone calls which she had not returned because she thought the matter had been settled and a letter from them.

(4:26 p.m.) Beth McDonough, 234 Cervantes Ave., said they were already involved in a road maintenance agreement which they felt needed to be rewritten because there was no enforcement ability. She said they simply wanted to build their home; it was a private matter and should be handled likewise.

(4:29 p.m.) Edward Pacetti, 4750 Deerfoot Ct., Jacksonville, said he wanted to address the issue of "bad neighbors". He said all the neighbors had been working on the road and had donated time and sweat to helping keep the road accessible, and they did want to participate in the road maintenance. He said the current road maintenance agreement was not very well written but it did allow Hidden Acres what they needed to open their business at the time. He said it should probably be redone, but not at their expense.

(4:35 p.m.) Stevenson asked to see the letters that they did not have the last time they heard the item. Desai reviewed the letters. Stevenson said she wanted to clarify that they were not reversing any decisions but were considering whether there was evidence that was not considered when they made the initial decision which might change the deliberation of the Board. Desai said that was correct.

(4:36 p.m.) *Commissioner Bryant entered the meeting.*

(4:37 p.m.) In response to a question from Rich, Desai said they would have to make the decision as it was a "re-do". McCormack said the code had access requirements and the proposed use of the property did not meet those requirements. He said they applied for a variance to those requirements and it was represented to the Board that there was no opposition except for one person. He said that, in fact, there were some letters of opposition which the County received prior to the hearing. He noted that the code also provided the opportunity for a maintenance agreement. He said the original maintenance agreement was voluntary and that was why there was some opposition to it. However, there were more users on the road now with no requirement to contribute to the maintenance of it. He said there may have been a denial of due process because of the opposition expressed. He stated that additionally, there had been an opportunity to look at the maintenance agreement, and it was discovered that it was voluntary. He said if the developers wanted to develop the property they could either meet code or request a variance. He said it was unfair to make the property owners take a disproportionate burden of the maintenance, but it could be reasonably pro-rated by staff so that they could pay a proportionate share.

(4:42 p.m.) Stevenson said she was uncomfortable with the County being involved with the determination of the share each property owner must take for the maintenance of the road. McCormack said he thought they had nearly reached an agreement. He suggested a continuance to allow them to come up with a suggested percentage. General discussion ensued regarding the history of what had transpired on the maintenance agreement which had previously been. There was also discussion regarding the change in the code from ten units, which was what had been in effect at the time the original agreement was signed.

(4:51 p.m.) Steven McDonough, 234 Cervantes Ave., said one of the difficulties they were facing was that his father in law had signed the maintenance agreement. He said his biggest opposition was from the people who stood to profit from development. He said Dr. Salassa came up with a new agreement and said he would back him on the variance if he would sign the agreement. There was discussion regarding the agreement that had been drafted by the County attorney.

(4:54 p.m.) John Salassa, 6090 St. Andrews Ct., Ponte Vedra Beach, said he did not oppose the people building a house, but he was opposed to the maintenance agreement which had to be redone. He said it needed to be agreed upon by all users and should apply to any future users. He said the County had changed the rules regarding the ten house rule on the number of houses that would be allowed. He reported that a number of new houses and businesses had come to the area without having to contribute dollars to the maintenance of the road. He said they needed a new road management agreement with teeth in it, which everyone could agree upon and that would take into account that there would be additional future users. He stated that Hidden Acres Farm could not continue to carry the entire financial burden for maintenance of the road.

(5:02 p.m.) Sanchez said it was a private agreement and he was uncomfortable asking anyone to sign it. He said he could not keep those people from building on their property as a result of the agreement.

(5:05 p.m.) Gary Maguire, 1050 St. Marks Pond Blvd., expressed his concerns regarding the possible increase in traffic to St. Marks Pond Blvd. which was maintained by the few individuals who lived on that road. He said he was not against the variance but with the stipulation that the applicants agree to contribute, at a minimum, monetarily to the maintenance of the road. There was discussion regarding what the pro rated contribution should be.

(5:17 p.m.) There was discussion regarding County liability for emergency services on the road and the possibility of requiring the applicants to sign a hold harmless agreement.

(5:21 p.m.) Stevenson clarified that they were asking they sign a hold harmless agreement. Rich said that was correct as the issue was the roadway and not the subdividing of the land. Stevenson asked if they were opening a flood gate for residents to move into areas with substandard roads. She reiterated that it was a private matter.

(5:26 p.m.) McCormack said there could be a hold harmless agreement, but there might be a requirement to contribute as well.

(5:28 p.m.) Ms. McDonough said they were willing to participate in a hold harmless agreement and they did feel responsible to the maintenance agreement signed by her father. She said if it needed to be rewritten they would do it as a separate matter.

(5:30 p.m.) **Motion by Sanchez, seconded by Rich, to approve NZVAR 06-002 based upon the evidence provided for all of the five findings of fact, contingent upon the applicant's agreement that they were a part of the original maintenance agreement and they would be willing to enter into an agreement to hold the County harmless for any damages sustained by emergency vehicles unable to make a trip to their house.** Manuel said he would not support the motion as it would further open Pandora's Box. Rich asked counsel for his opinion on the hold harmless agreement. McCormack said he had not seen a hold harmless agreement knocked down in court in that particular context. He said if it was drafted properly they could make it as enforceable as possible. He said he did not object to the hold harmless agreement for a privately owned road. (5:35 p.m.) **Motion carried 4/1 with Manuel opposing.**

(05/29/07 - 20 - 9:46 a.m.)

15. PUBLIC HEARING - MAJMOD 2007-02 PARKER CADILLAC AT ST. AUGUSTINE CENTRE PUD/DRI

This item was pulled from the agenda.

(05/29/07 - 20 - 5:35 p.m.)

16. PUBLIC HEARING - PUD 2006-29 RING POWER PUD (RAY'S TIRES & SERVICE CENTER) - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 6.09 ACRES OF LAND FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO ADD USES TO THE EXISTING DEVELOPMENT. THE SITE IS CURRENTLY OCCUPIED WITH RAY'S TIRES & SERVICE CENTER. THE PSD DOES NOT ALLOW THE CURRENT USE. THE PSD ALLOWS FOR AN EQUIPMENT SALES AND RENTAL FACILITY (RING RENT). THE ADDED USES INCLUDE THE SELLING, INSTALLING AND SERVICE OF TIRES, BATTERIES AND ACCESSORIES, AND THE INSPECTION, SERVICING, MAINTENANCE, RENTAL AND REPAIR OF MOTOR VEHICLES. REZONING FROM PSD TO PUD IS REQUIRED BY LAND DEVELOPMENT CODE SINCE THE PSD ZONING DISTRICT NO LONGER EXISTS UNDER THE CODE AND ALL CHANGES TO AN EXISTING PSD SHALL REZONE TO PUD. THERE ARE NO OTHER CHANGES TO THE EXISTING DEVELOPMENT PLAN. A MIXTURE OF USES SURROUND THE EXISTING DEVELOPMENT AND THE SURROUNDING FUTURE LAND USE MAP DESIGNATION IS MIXED USE DISTRICT (MD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL WITH A 4-0 VOTE (MOTION BY GRAYSON/2ND BY LAIDLAW). IN ADDITION, THE PZA RECOMMENDED THAT THE MAJOR MODIFICATION REVIEW FEE BE REFUNDED TO THE APPLICANT AFTER THE APPLICANT EXPLAINED THAT A MAJOR MODIFICATION APPLICATION WAS SUBMITTED AND WAS TOLD A PUD ZONING CHANGE WAS REQUIRED. THE REFUND IS \$1,500.00

Proof of publication of notice of public hearing on PUD 2006-29, Ring Power PUD (Ray's Tires & Service Center), was received, having been published in *The St. Augustine Record* on May 24, 2007.

Teresa Bishop, Growth Management Services, gave the presentation and reviewed the history of the application. She said the request was made in order to add uses into the existing developed site. She noted it had been developed as a heavy equipment rental facility and they now wanted to add the use of tires, batteries and accessories sales. She stated that staff had no objections. She said PZA had recommended approval, 4/0. She said that they also had chosen to recommend refunding the \$1,500 re-modification fee paid by the applicant, in the event the Board decided to approve the application.

(5:37 p.m.) Bryant stated that this application was originally denied by the Board by 3/2, was taken to court and was overturned by Judge Weinberg. He said this application was a less intense use and the buffering between the business and the mobile home park was adequate. He said he had no problem with it.

(5:38 p.m.) Sanchez said he supported the project as well as returning the \$1,500 fee.

(5:39 p.m.) George McClure, 81 King St., Suite A, stated he appreciated the help of Teresa Bishop and Jan Trantham had provided. He reviewed the history of the project. He said all they wanted to do, was to add one use of adding tires, batteries and accessories. He said the problem was the PUD for rezoning purposes. He was also asking for the return of the \$1,500 fee for the rezoning application for the PUD.

(5:42 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance 2007-42, known as PUD 2006-29 Ring Power PUD (Ray's Tires & Service Center), adopting findings of fact one through seven to support the motion, and to return the duplicate fee of \$1,500 for the application.**

ORDINANCE NO. 2007-42

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/29/07 - 21 - 5:43 p.m.)

17. PUBLIC HEARING - MAJMOD 2007-05 OLD MOULTRIE BLUFF PUD (AKA SALIDA DEL SOL) THE APPLICANT PROPOSES TO MODIFY SECTION N.4 OF ORDINANCE NO. 2006-108 THE OLD MOULTRIE BLUFF PUD NOW KNOWN AS SALIDA DEL SOL PERTAINING TO BUFFERING. CURRENTLY, ORDINANCE 2006-108 PROVIDES: "A FORTY (40) FOOT UNDISTURBED BUFFER WILL BE PROVIDED ON THE SOUTHERN BOUNDARY OF THE PROJECT EXCEPT THE BOUNDARY NEAR THE BUILDINGS WHERE FORTY (40) FOOT MAY NOT BE FEASIBLE THEREFORE A MINIMUM OF THIRTY (30) WILL BE PROVIDED EXCLUDING AREAS NEAR THE LIFT STATION AND RETENTION POND." THE APPLICANT PROPOSES TO MODIFY "UNDISTURBED" TO "MITIGATED". IN ADDITION, THE APPLICANT ALSO PROPOSES MINOR CHANGES TO THE BUILDING AND PARKING LAYOUT AND INTERNAL CIRCULATION SYSTEM. ALL OF THESE PROPOSED CHANGES ARE SHOWN ON THE REVISED MDP INCLUDED IN THIS REQUEST. THE OLD MOULTRIE BLUFF PUD WAS APPROVED IN SEPTEMBER 2006. THE PROJECT WAS UNDER CONSTRUCTION WHEN IT WAS DISCOVERED THE UNDISTURBED BUFFER ALONG SPECIFIC AREAS OF THE SOUTHERN BOUNDARY WAS REMOVED AS PART OF THE CONSTRUCTION PROCESS. THE APPLICANT IS REQUESTING THE SOUTHERN BOUNDARY BE MODIFIED TO ALLOW FOR A MITIGATED PLANTED BUFFER. THE APPLICANT PROVIDED AN OVERVIEW OF THE PROPOSED BUFFER, WHICH ADDRESSED ANY PZA AND STAFF CONCERNS ABOUT THE MITIGATED BUFFER. THE PZA RECOMMENDED

APPROVAL OF THIS REQUEST WITH A 5-0 VOTE (MOTION BY LAIDLAW,
2ND BY GREEN, 2 MEMBERS ABSENT)

Proof of publication of notice of public hearing on MAJMOD 2007-05, Old Moultrie Bluff PUD (aka Salida del Sol), was received, having been published in *The St. Augustine Record* on May 22, 2007.

Teresa Bishop gave the presentation and explained that it was triggered by code enforcement action which had occurred on the site because of violations to a buffer zone. She explained that the PUD required a 30-foot, undisturbed buffer, with the exception of several areas pointed out in the PUD. She stated that during construction that buffer was removed. She said the applicant was asking that language be changed from "the 40-foot undisturbed buffer" language be modified to say "a 40-foot mitigated buffer" and the mitigation will be what will be planted inside the buffer. She said staff did not object and had tried to work with the applicant. She said the project had been shut down and the applicant was present. She said the PZA had recommended approval.

(5:45 p.m.) Kevin Davenport, on behalf of Jim Hortis, the developer, 245 River Plantation Rd, explained what happened to the existing vegetation which was to have been preserved. He said there was miscommunication between himself, the engineer on the project, and the attorney regarding what needed to happen on the buffer. He said he showed approved County Engineering plans to the attorney, that showed the area being cleared for a drainage culvert, but the PUD conflicted with it and showed that it should not be cleared, and they were working from the wrong plan. He acknowledged it was their fault for working with two documents which conflicted. He said they would mitigate the buffer by providing an 8-foot opaque fence and 32 trees, at least 4 to 6 inches in diameter, going back into that area where 3 mature trees had been removed.

(5:48 p.m.) Rich said he could see a difficult situation evolving between the residential users and the highly intensive commercial nature of the Honda dealership. He said he had supported the application based on the existing buffer. He said he walked the site with Mr. Davenport and been told what they were going to do, and the mature 60-foot buffer would have worked well for what they were trying to do. He said the job site had been misrepresented to him by one of the members of their organization. He said the fact that they had agreed to put in a few little trees did not impress him. He said he would just as soon not approve the entire project.

(5:52 p.m.) Stevenson disclosed ex-parte with the applicant, who said she had discussed the mistake with the applicant and the removal of the trees from the site had actually been removed from the Honda Dealership's property.

(5:53 p.m.) Davenport said there was no mal intent or deceit on their part. He said they had a tree survey that showed there were 3 trees in the buffer, and the clearing was done by someone else. He emphasized that it was their intent to maintain the buffer, and it was important to them to keep the buffer in order to sell units on the property. He said they were adding an eight foot fence to mitigate the problem.

(5:56 p.m.) Jim Maherdis, said he represented the owners of the property. He said they misinterpreted the stakes on the property by mistake. He said they wanted the buffer even more than the County wanted them because of the development they were building and they had to sell the units they constructed. He said they had attempted to plant trees as large as possible on the site. He reported that the entire 40 foot buffer

would be heavily treed, and there was never intention for deceit. He said he was not opposed to adding even more trees if it was physically possible to do so.

(6:01 p.m.) Rich asked staff to comment on the short term buffering the trees would provide. Bishop said she was unsure she could address the issue. She said they had increased the trees to six inches since their proposal to the PZA. She said she had talked to the arborist and the County Forester and he had indicated that a 6 inch tree was a substantial tree. She said she had been assured that they would grow and would provide a canopy. Rich said what they had lost were live oaks. Maherdis said they were being replaced with live oaks and would place as many in the space as the professionals said would survive in the space. (6:05 p.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to enact Ordinance 2007-43, MAJMOD 2007-05, Old Moultrie Bluff PUD (aka Salida del Sol), adopting finding of fact one through six to support the motion.**

ORDINANCE NO. 2007-43

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE OLD MOULTRIE BLUFF PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2006-108, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

Bishop asked that the applicant provide staff with a landscape plan for the southern boundary so that they could see what they proposed, as it was not in the PUD currently. Rich instructed the applicant to provide that information to staff before leaving that day. Upon Manual's recommendation he instructed the applicant to take the County Arborist with him to see if they could squeeze in additional trees to the site.

(05/29/07 - 23 - 6:07 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson cited minutes of the May 1 meeting regarding a discussion of the road closure of the Palm Valley Rd. and how it affected neighbors, simple to the effect of neighbors when the Russell Sampson Rd. had been closed. She said they had asked staff to look at a policy given written notice to immediately affected neighbors in the event of a road closure and that was not reflected in the minutes. She asked that it be included in the minutes. She said that rather than dragging up the old minutes, it could be fixed and reflected at that time. She also raised the question of indirect subsidies in the tree fund to plant trees on a not-for-profit affordable housing project. She said she was not sure that furthered the intent of the regulation which was to improve the tree canopy, not to substitute for developer's impact. She said she wanted to support affordable housing but it was not an appropriate venue.

Commissioner Sanchez: No report.

Commissioner Manuel: No report.

Commissioner Bryant: No report.

Commissioner Rich:

Rich commented on the incident that he was called out to, that happened in West Augustine, with the police raid and all the arrests. He said it was an irate situation that he walked into at the request of some of the people who lived there. He said when he went to the Baptist Church on Rodriguez St. the blood was running real hot. He noted he had still been unable to get to the bottom of the matter. He said the NAACP from Jacksonville was there and recorded it, and it was pretty wild. He stated he was still waiting to be contacted by some of the actual on-scene witnesses to that incident to have some idea as to where truth and justice were with that issue.

County Administrator: No report.

County Attorney:

McCormack advised that with a situation like that in West Augustine, that the commissioners, especially where a Federal or State investigation was going on, should participate as a fact finder or investigator. He said that as elected officials, they should be cautious and should not become a part of the situation per se. He said they could provide information regarding where individuals should direct their concerns.

McCormack also spoke on the noise ordinance, and said there had been amendments to it, since it was drafted in 1988, and it was not a state of the art ordinance. He said they would be happy to review it with County Administration. He noted it was probably time for them to review the ordinance and asked for consensus of the Board to do so. *There was Board consensus for Legal staff to move forward with the review of the ordinance.* Rich said unenforceable regulations were something he wanted them to look at. Stevenson suggested they look at it with the new Administrator as well.

(6:17 p.m.) **Motion by Sanchez, seconded by Manuel, carried 5/0 to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 6:17 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check No. 401566 through #401815, totaling \$2,032,148.81 (05/08/07)
2. St. Johns Board of County Commissioners Check Register, Check No. 401816 through #401839, totaling \$40,878.52 (05/11/07)
3. St. Johns Board of County Commissioners Check Register, Check No. 401840 through 401841, totaling \$8,936.00 (05/14/07)
4. St. Johns Board of County Commissioners Check Register, Check No. 401842 through 402216, totaling \$4,544,255.36 (05/15/07)

Approved June 26, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Wonne King
Deputy Clerk