

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 16, 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 Chairman
Cyndi Stevenson, District 1
Ron Sanchez, District 2
James Bryant, District 5
Michael D. Wanchick, County Administrator
Patrick McCormack, County Attorney
Terry Bulla, Deputy Clerk

(10/16/07 - 1 - 9:02 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(10/16/07 - 1 - 9:02 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(10/16/07 - 1 - 9:02 a.m.)
Rich gave the invocation and Sanchez led the Pledge of Allegiance.

(10/16/07 - 1 - 9:03 a.m.)
SPECIAL PRESENTATION TO ST. JOHNS COUNTY BY CHUCK PADERA, FLORIDA
INLAND NAVIGATION DISTRICT

Chuck Padera, Florida Inland Navigation District, stated they had been partners with the County for over 20 years, working for the benefit of the citizens of St. Johns County. He presented a reimbursement check for \$100,000 for a bluff stabilization project that was done in the County in cooperation with County staff. Padera thanked Wil Smith of the Recreation Department, for his efforts on the project. He reviewed the history of the improvements that had been made in the county.

(10/16/07 - 1 - 9:06 a.m.)
PROCLAMATION DESIGNATING OCTOBER 22-26, 2007 AS CHARACTER COUNTS
AND RED RIBBON WEEK

Manuel read the proclamation to the Mill Creek Elementary School representatives and expressed appreciation to them. Tanya Williams, Guidance Counselor and Mary Ford, Principal, accepted the award on behalf of Mill Creek Elementary School.

(10/16/07 - 1 - 9:10 a.m.)
PROCLAMATION DESIGNATING OCTOBER 2007 AS COMMUNITY PLANNING
MONTH

Stevenson introduced members of the Planning and Zoning Board: Henry Green, Chairman, Thomas Engle, George Snow, Vivian Browning, Robert Metcalf, Doug Laidlaw and Kim Oglesby, some of whom came forward to accept the presentation. Members of the community and staff also came forward to receive the award. She then read the proclamation and thanked them for their hard work doing difficult jobs.

(9:16 Rich left meeting.)

(10/16/07 - 2 - 9:16 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Stevenson, seconded by Sanchez, carried 4/0 with Rich absent, to accept the proclamations.

(10/16/07 - 2 - 9:16 a.m.)

DELETIONS TO CONSENT AGENDA

Manuel asked that Consent 7 be moved to the Regular Agenda as 13A.

Wanchick asked that Consent 20 be pulled.

McCormack asked that Consent 22 be moved to the Regular Agenda as 1A.

Stevenson asked that the APAC Plant be added to the Regular Agenda as 13B.

(10/16/07 - 2 - 9:19 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Stevenson, seconded by Sanchez, carried 4/0 with Rich absent, to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Minutes:
09/18/07 - BCC Regular Meeting
09/27/07 - Joint BCC & School Board Meeting
3. Sheriff Office Bonds:
Approve: Jared Padilla

Cancel: Donald Darland Megan Melton Billy Winters
4. Motion to approve a transfer in the amount of \$100,092 from General Fund Reserves (0083-59920) to the Elections Department - Federal Grant Expenditure (0030-55304) to reflect a grant received in FY 2007 for Ballot on Demand Equipment
5. Motion to adopt **Resolution No. 2007-289**, declaring and finding that County expenditures of public funds for the County events associated with hosting the Florida Association of Counties 2008 Legislative Conference serve a paramount public purpose and such funds may lawfully be used for such purpose and Motion to approve the transfer of \$6,500 from General Fund Reserves (0083-59920) to Administration Special Events (0004-54801) for the Florida Association of Counties 2008 Legislative Conference

RESOLUTION NO. 2007-289

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 HOSTING THE FLORIDA ASSOCIATION OF COUNTIES 2008 LEGISLATIVE CONFERENCE SERVE A PARAMOUNT PUBLIC PURPOSE AND SUCH FUNDS MAY LAWFULLY BE USED FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE

6. Motion to adopt **Resolution No. 2007-290**, implementing new and/or revised fees for services provided by the St. Johns County Building Department

RESOLUTION NO. 2007-290

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE AMENDED SCHEDULE OF FEES FOR CERTAIN COUNTY DEPARTMENTS, AND PROVIDING AN EFFECTIVE DATE

7. MOTION TO TRANSFER FUNDS IN THE AMOUNT OF \$20,187 FROM GENERAL FUND RESERVES (0083-59920) TO THE CONVENTION CENTER FUND TO PROVIDE PAYMENT FOR THE SPECIAL ASSESSMENTS THAT ARE STILL OUTSTANDING TO THE CONVENTION CENTER

This item became 13A.

8. Motion to adopt **Resolution No. 2007-291**, approving the Final Plat for Steven's Subdivision

RESOLUTION NO. 2007-291

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR STEVEN'S SUBDIVISION

9. Motion to adopt **Resolution No. 2007-292**, approving the Final Plat for Countrywalk

RESOLUTION NO. 2007-292

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

10. Motion to adopt **Resolution No. 2007-293**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement for property needed for the Federal Point Road Bridge Replacement

RESOLUTION NO. 2007-293

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE FEDERAL POINT ROAD BRIDGE REPLACEMENT

11. Motion to adopt **Resolution No. 2007-294**, approving a contract between St. Johns County and Alpha Omega Miracle Home for Choose Life License Plate Funds (as recommended by the St. Johns County Health and Human Services Advisory Council) and authorizing the BCC Chair to execute the contract on behalf of St. Johns County

RESOLUTION NO. 2007-294

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND ALPHA OMEGA MIRACLE HOME, AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

12. Motion to adopt **Resolution No. 2007-295**, accepting the terms of the agreement between St. Johns County Board of County Commissioners and Gateway Community Services and authorizing the County Administrator to execute the Amendment on behalf of the County

RESOLUTION NO. 2007-295

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND GATEWAY COMMUNITY SERVICES, INC.

13. Motion to adopt **Resolution No. 2007-296**, accepting the terms of the amendment to the contract between St. Johns County Board of County Commissioners and Florida Department of Juvenile Justice and authorizing the County Administrator to execute the Amendment on behalf of the County

RESOLUTION NO. 2007-296

A RESOLUTION OF 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

14. Motion to adopt **Resolution No. 2007-297**, approving the terms, provisions, conditions, and requirements of an agreement between the Board of County Commissioners for St. Johns County and Flagler Hospital, Inc. as to Low Income

Pool (LIP) State Programs and authorizing the County Administrator of St. Johns County to execute the agreement on behalf of the County

RESOLUTION NO. 2007-297

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

15. Motion to adopt **Resolution No. 2007-298**, approving a contract between St. Johns County and the St. Augustine Boys and Girls Club and authorizing the Chair of the BCC to execute the contract on behalf of the County

RESOLUTION NO. 2007-298

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND THE BOYS AND GIRLS CLUBS OF NORTHEAST FLORIDA, AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

16. Motion to adopt **Resolution No. 2007-299**, accepting the terms of the fourth amendment to Contract #DH646 between the State of Florida Department of Children and Families and the St. Johns County Board of County Commissioners, and authorizing the Chairman of the Board of County Commissioners to execute the Amendment on behalf of the County

RESOLUTION NO. 2007-299

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE FOURTH AMENDMENT TO THE CONTRACT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

17. Motion to adopt **Resolution No. 2007-300**, approving the terms, provisions, conditions, and requirements of a contract renewal for the provision of financial assistance to the St. Johns County Council on Aging, Inc. for operation of the Trout Creek Pavilion and Community Center and authorizing the Chairman to execute the contract renewal on behalf of the County

RESOLUTION NO. 2007-300

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT RENEWAL FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. JOHNS COUNTY COUNCIL ON AGING, INC. AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

18. Motion to adopt **Resolution No. 2007-301**, approving the terms, provisions, conditions, and requirements of a contract renewal for the provision of financial assistance to the St. Johns County Council on Aging, Inc. for operation of the Players Community Senior Center and authorizing the Chairman to execute the contract renewal on behalf of the County

RESOLUTION NO. 2007-301

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT RENEWAL FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. JOHNS COUNTY COUNCIL ON AGING, INC. AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

19. Motion to approve transfer of \$47,133.03 (\$40,746.83 from [4426-59934] Utility Services Salary Adjustment Reserve and \$6,386.20 from [4479-59934] Ponte Vedra Utility Reserves) to the appropriate salary and benefit line items within the respective departments for FY08 Utility Department Promotions/Upgrades due to licensure and certification
20. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the #1 ranked firm, PBS&J for RFQ 07-106 Feasibility Study - Treasure Beach Canal Dredging. 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, and; Motion to approve the transfer of \$40,000 from the General Fund Reserves to fund the feasibility study
21. Motion to approve the transfer of \$67,281 from the general fund reserves to the MIS Department's FY 2008 budget for the purpose of accomplishing a competitive market adjustment in employee salaries
22. Motion to adopt a resolution authorizing the execution of an Interlocal Agreement between the City of St. Augustine and St. Johns County to provide for one centralized communications center utilizing the County's Fire Rescue Communications Center

This became Item 1A on the Regular Agenda.

(10/16/07 - 7 - 9:19 a.m.)

PUBLIC COMMENT

Sarah Bailey, 2202 Bishop Estates Rd. West, said there were issues on the agenda that morning that were very confusing. She spoke regarding the naming of Durbin Creek Blvd. and other streets with directional extensions of north, south, east and west. She commented against L&D Development land development on Racetrack Rd. and the Flora Branch PUD until the community had a chance to talk about it. She said the roads were at carrying capacity right now and she didn't see how it could be increased. She was asking for a hearing to be held in the northwest pertaining to those issues. She also suggested changes to the Charter, and said the Chairman's position should be an election by secret ballot until there is a majority vote. She said she had other suggestions that she hoped to have to them before the final changes were made. She also expressed concern about EARS and stated that the County needed a Planning Commission, not PZA, and a subcommittee for the Land Development Code. She said they hadn't had a chance to tell the Board what was good or bad about the DRI's that they currently live in.

(9:25 a.m.) Carl "Bud" Markel, 136 Summerhill Circle, said his comments were addressed to Rich, who was not present. He called for Rich's resignation, due to the adverse publicity that the Board had received in the past couple of weeks, for the betterment of St. Johns County.

(9:26 a.m.) Jackie Harris-Rude, 11 Cadiz St., stated she represented The St. Augustine Historic Inns. She asked for an update on the vagrancy issue in St. Augustine. Wanchick said they had been in discussion with the City over a possible location as well as an alternative way of dealing with the issue and it would be brought to the Commission in the next two weeks.

(9:27 a.m.) Mike Carter, 300 Kingsley Lake Dr., Suite 401, said he represented realtors and homeowners in the area. He said they were requesting relaxation of the St. Johns County Code pertaining to signage, as many people were facing foreclosure and the strict signage ordinance was not helping them to sell their homes. He said they were asking the Board to relax the sign ordinance for a six month period during weekends. Sanchez commented and said they would have to relax the sign ordinance for all businesses. McCormack said they would have to word it so that it would not show favoritism. He said they would have to go through PZA and then create a new Ordinance, but they could look at it and see what the ramifications might be. Carter asked if they could do something on an emergency basis. Bryant asked if it could be done by Resolution. General discussion ensued. Manuel agreed with Bryant that they should discuss it at the next meeting as a Resolution. McCormack suggested they give proper notice so that others could be present to express their opinions.

(9:49 a.m.) Don House, 183 N. Roscoe Blvd., Ponte Vedra, spoke regarding the Charter and suggested some changes. He also spoke against taxes by the Airport Authority, and against the County getting into business, specifically regarding the purchase of a utility. He said if they were going to get into business, to be smart about it and not overpay for the proposed purchase.

(9:55 a.m.) Phyllis Abbatiello, 1133 River Birch Rd., St. Johns, Florida, commented on Markel's statements. She said it was time for it to stop. She commented on the article regarding Rich in the St. Augustine Record and the use of the word "newcomer" as a slur. She reviewed the population statistics of the County since 1920 and stated the growth was caused by developers who had contributed to the commissioners' campaigns during their various tenures. General discussion ensued.

(10/16/07 - 8 - 10:03 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked to add Item 13 C, a grant item related to the updating of the local census.

(10/16/07 - 8 - 10:03 a.m.)

APPROVAL OF REGULAR AGENDA

Stevenson requested that her earlier request to add Item 13B be removed from the agenda.

Motion by Stevenson, seconded by Sanchez, carried 4/0 with Rich absent, to approve the Regular Agenda as amended.

(10:04 a.m.) Rich returned to the meeting.

(10/16/07 - 8 - 10:04 a.m.)

1. UPDATE ON THE WORLD GOLF HALL OF FAME, THE UPCOMING INDUCTION CEREMONY AND WORLD GOLF VILLAGE

Jack Peter, 1 World Golf Place, Sr. Vice President & Chief Operating Officer World Golf Hall of Fame, gave the presentation. He gave a PowerPoint presentation on the history of the WGV development. He said on May 2008 they would be celebrating their 10th anniversary. He reviewed the economic impact they have had on the County, their marketing and publicity efforts and their national and international publicity. He commented on the International Resort renovations which will allow it to become a four star resort. He reviewed the statistics on the use of the golf courses, the King and the Bear, and the Slammer and the Squire, and noted the many tournaments being held there. He discussed the IMAX theatre and reviewed their close association with the school system. He noted many of the community events held in conjunction with various community teams. He said the Hall of Fame was the centerpiece of the facility and said they continued to improve their place in the golfing community and stated the 2007 Induction Ceremony would be held Monday, November 12. He introduced the 2007 Class to be inducted, and noted that Jack Nicklaus would be present for the induction ceremony. He also reviewed their international activities as well as other upcoming activities.

(10:25 a.m.) Manuel welcomed Commissioner O'Connell from Flagler County, who stated he was present to observe how we run our meetings versus how they ran their meetings. He said he was very impressed and had about two pages of notes.

(10/16/07 - 8 - 10:27 a.m.)

1A. INTERLOCAL AGREEMENT WITH THE CITY OF ST. AUGUSTINE REGARDING CENTRALIZED DISPATCH

Michael Hunt, Deputy County Attorney, stated that a change to section 2C should read "when providing emergency fire and rescue dispatch service to a transferred St. Augustine emergency fire/rescue (9-1-1) call, St. Johns agrees to provide a level of service, which equals the standard provided by County fire/rescue personnel." Manuel clarified that the word "service" had been stricken.

Hunt said additional corrections included two references to Section 7. He said the first reference to Section 7 was the correct one and the second reference was to Section 8. He stated that with those corrections, that was the provision that they would like to set

before the Board. He noted it had been reviewed by the office of the County Attorney, by the City of St. Augustine and their counsel and there were no problems. He said they had worked conjointly to arrive at the proposed Interlocal Agreement. General discussion ensued.

(10:31 a.m.) Motion by Rich, seconded by Manuel, carried 5/0, to adopt Resolution 2007-302, authorizing the execution of an Interlocal Agreement between the City of St. Augustine and St. Johns County to provide for one centralized communications center utilizing the County's Fire Rescue Communications Center.

RESOLUTION NO. 2007-302

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF ST. AUGUSTINE TO PROVIDE FOR ONE CENTRALIZED COMMUNICATIONS CENTER UTILIZING THE COUNTY'S FIRE RESCUE COMMUNICATIONS CENTER

The Board recessed at 10:31 a.m. and reconvened at 10:43 a.m.

(10/16/07 - 9 - 10:43 a.m.)

2. CONSIDERATION OF ACQUIRING INTERCOASTAL UTILITIES AND RELATED BOND FINANCING

Bill Young, Director of Utilities, gave the presentation regarding consideration of acquiring Intercoastal Utilities and related bond financing. He gave a PowerPoint presentation and reviewed the history of the proposed request. He noted the value was determined to be \$24.5 million by Lampe, Roy and Associates and reviewed the process used to determine the professional appraisal. He reviewed continued issues with the utility and the community, and explained the process that had taken place and the various steps taken to get to the current request. He reviewed the requested actions, estimated sources of funds and uses, and the Proforma Operating Statement. He covered the staff's review of Intercoastal Utilities, and said they had utilized conservative estimates. Additionally, he reviewed the public impact of the purchase, and noted it would have positive impacts on Intercoastal Utilities' customers. He reviewed the typical monthly bill comparison, and noted that 77 percent of customers would see a decrease in rates. He also noted alternatives to acquisition and some of the possible consequences.

He thanked all the members of the acquisition team and his staff as well. He said they had all worked hard and were committed to the County and services to its residents.

(11:03 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, reviewed the previous attempt of the County to purchase Intercoastal and some of the history related to the acquisition. She said she had no doubt that the County could run it more efficiently, but that it was overpriced. She said it was an unfair process to the consumers, and they had only received information within the last 60 days as to what was taking place. She said it was the County's obligation to get them the best possible price.

(11:08 a.m.) Ron Zajack, 151 Sawgrass Circle, Suite 105, Ponte Vedra, spoke in favor of the acquisition. He told of his efforts to receive service from Intercoastal Utilities and the difficulties that had ensued. He said they had agreed to pay for expansion and had

spent over \$25,000 for engineering studies and two and one half years later, they still did not have service.

(11:11 a.m.) Walter Rohrer, 2315 Club View Court, Ponte Vedra Beach, spoke on behalf of Sawgrass Association and the Sawgrass Country Club. He said the process had moved into the Sunshine within the last month and they had been informed. He said they were definitely proposing to pay too much and reviewed why he felt that way. However, he said they were in favor of the transaction based on the proposed future savings and the improvement of services.

(11:14 a.m.) Howard Graham, 15 South Roscoe Blvd., Ponte Vedra Beach, for Barbara Jean's Restaurant, said the acquisition was in the best interest of the general public. He reviewed his efforts to receive service from Intercoastal Utilities and the frustration he had faced with them. He said he had expended large sums of money in efforts to get service and was currently in a fight to decertificate Intercoastal Utilities due to the fact that they would not provide service that they had promised. He asked that they help him to decertificate the utility and to support the purchase.

(11:16 a.m.) Mike Twomey, P.O. Box 5256, Tallahassee, FL, said he was speaking on behalf of Barbara Jean's Restaurant. He reviewed the expansion granted by the BCC and noted that nothing had happened. He said the case was currently before the Water and Sewer Authority for decertification. He said the extension was taken under false pretenses, and they should be pressured to give up the extended service territory, and should not be paid a penny for it since they had not supplied service to a single customer in the expansion area.

(11:20 a.m.) Rich asked the methodologies used in the acquisition process. Joel Setimbrini, from Smith Hulsey Law Firm in Jacksonville responded. Manuel asked him for his experience to establish his expert credentials. He reviewed his experience, said he had practiced law for 24 years, for the last 20 with Smith Hulsey and for 4 years with the Department of the Treasury Internal Revenue Service and said his expertise was in the area of eminent domain acquisitions. He stated that he was on the Eminent Domain Committee of the Florida Bar and had tried a number of eminent domain cases and had a great deal of experience with eminent domain acquisitions. He noted they had assembled an expert team of engineers and appraisers.

In response to Rich's question, he said all three approaches were considered. He said the cost approach, sales comparison approach and the income approach were looked at and the cost approach and sales comparison approach were decided to be applicable. He said they were both looked at in great detail. He said they would be acquiring the utility for \$24.5 million, inclusive of attorney's fees, which was less than the appraised value. He said the eminent domain approach was a solid investment method. Rich asked why the third method of appraisal was not employed. Setimbrini explained.

Rich asked if PBS&J had played a role in the process. Setimbrini said they had played a secondary roll because they furnished some information to the appraiser and they did not do an independent evaluation; they were used simply as a resource used by the appraiser for input as to value. Rich clarified that the appraiser was not a recommendation of PBS&J. Setimbrini said that was correct.

Rich said they probably were paying too much but the appraisal did not show that. He said it would be in the public interest, and he would support the acquisition.

(11:28 a.m.) Manuel said he had concerns about the cost and the process but he would support it.

McCormack suggested that the motion be divided into its three components and voted upon individually.

(11:29 a.m.) **Motion by Manuel, seconded by Rich, to authorize the County's outside eminent domain counsel to enter into a \$24.5 million settlement in the litigation.** Discussion ensued. (11:33) **Motion carried 5/0.**

(11:34 a.m.) **Motion by Manuel, seconded by Rich, carried 5/0, to authorize the County staff and utility financing team to make the necessary arrangements for the bond financing.**

(11:34 a.m.) **Motion by Manuel, seconded by Rich, carried 5/0, to authorize the transfer of \$170,000 from the General Fund Reserves to other County accounts as necessary and appropriate to defray a part of the costs of issuance of the bond financing.**

The Board recessed at 11:36 a.m. to allow for the motion to be drafted. The board reconvened at 11:46 a.m.

(11:47 a.m.) **Motion by Manuel, seconded by Stevenson, that Intercoastal Utilities will agree to relinquish its service territory as part of the stipulated final judgment, subject to approval by the Water and Sewer Authority.**

Twomey asked by what date they could expect completion of the process. Hunt said there was no contract and it was a stipulated final judgment and part of the eminent domain acquisition process and it would be sometime during the month of December.

(11:48 a.m.) **Motion carried 5/0.**

(10/16/07 - 11 - 11:49 a.m.)

3. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO SUBMIT AN APPLICATION FOR A RENEWABLE ENERGY TECHNOLOGIES GRANT TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ON THE COUNTY'S BEHALF

Joe Stephenson, Public Works Director, gave an update on the renewable technologies program. He noted their need to more actively solicit donations of waste vegetable oil from restaurants as they wanted to make about 100,000 gallons of the biodiesel a year. He said they had recently won an award for their Biodeisel Program, from the Florida Association of Government Fleet Administrators, which was an award for the most innovative program or idea, and St. Johns County was the first recipient of the award which included a check for \$100. R. J. Inman and Mike Grace were the designers of the biodeisel plant and they had refined it significantly and it would pass all ASTM tests. He reported on their relationship with the University of Florida and their biodiesel program and that they were doing a pilot program with them to work with a microbe biodigester to create methane to generate electricity and the excess energy would be used in the Public Works Complex and required a \$1 match. He requested their authorization to pursue the grant.

(11:55 a.m.) Stevenson congratulated them on their carry through on the vision for the program. She thanked Inman and Grace for their hard work and said it was a great example of how opportunity meets preparation.

(11:55 p.m.) Rich said the County had committed itself to going green and he said he would like to make a motion that the \$100 award be given to their department for some sort of party.

(11:56 a.m.) Motion by Rich, seconded by Manuel, carried 5/0, to give the award to their department for a party.

(11:57 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., said he was in support of the biodiesel program. He suggested that the Anastasia Mosquito Control District could also be a user of the product.

(11:58 a.m.) Manuel commended them on their efforts and accomplishments. He encouraged them to go forward to get first in line for the available monies for the green oriented projects.

(11:59 a.m.) Motion by Stevenson , seconded by Sanchez , carried 5/0, authorizing the County Administrator or his designee to submit an application for a Renewable Energy Technologies Grant to the Florida Department of Environmental Protection on the County's behalf.

(10/16/07 - 12 - 12:00 p.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN FOR ACQUISITION OF RIGHT-OF-WAY FOR RACETRACK ROAD EXTENSION ROAD PROJECT

McCormack said it was an eminent domain matter pertaining to the acquisition of a right-of-way for Nocatee Parkway. He said Joel Setimbrini was handling it for the County.

(12:00 p.m.) Setimbrini reviewed the request and said there was a 60 foot strip of land needed for the extension of Racetrack Rd., also referred to as Nocatee Parkway. He said there were some title issues and they needed the power of eminent domain to move forward with the acquisition. He said they were hopeful that at some point during the process there would be an agreed upon resolution. Stevenson asked if this was the only route to go and whether other attempts had been made to acquire it unsuccessfully. Paras Desai, Assistant County Attorney, said that was correct, and explained that the acquisition cost would be paid by the developer.

(12:02 p.m.) Motion by Manuel, seconded by Bryant, carried 5/0, to adopt Resolution No. 2007-303, exercising the right and power of eminent domain for acquisition of right-of-way for Racetrack Road Extension road project.

RESOLUTION NO. 2007-303

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE OF AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY AS DESCRIBED BELOW FOR THE CONSTRUCTION OF A COUNTY ROADWAY AND AUTHORIZING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

The Commission broke for lunch at 12:30 p.m. and reconvened at 1:30 p.m. with all five commissioners, Wanchick, McCormack, Ross, McDonald, and Deputy Clerk Lenora Newsome present.

(10/16/07 - 13 - 3:25 p.m.)

5. PUBLIC HEARING - VACPLA 2007-04, TOCOI SUBDIVISION PLAT VACATION - THE APPLICANT, GEORGIA CHESHIRE, WISHES TO VACATE A PORTION OF UNIT 2 TOCOI SUBDIVISION PLAT TO ELIMINATE THE UNDERLYING ROAD RIGHTS-OF-WAY TO ALLOW FOR THE DEVELOPMENT OF THE COUNTY ROAD 214 PRD. THIS VACATION WILL ELIMINATE A NUMBER OF NON-CONFORMING LOTS AND ALLOW FOR DEVELOPMENT IN COMPLIANCE WITH CURRENT REGULATIONS. STAFF HAS NO OBJECTION TO THIS PLAT VACATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY A 7/0 VOTE AT THEIR SEPTEMBER 20, 2007 MEETING

Proof of publication of the notice of public hearing on the TocoI Subdivision Plat Vacation, VACPLA 07-0004, was received, having been published in *The St. Augustine Record* on August 25, 2007 and September 1, 2007.

Kathy Nielsen, Applications Review Manager, Development Services Division, reviewed this item. (3:26 p.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to adopt Resolution No. 2007-304, approving the petition to vacate a portion of the Unit 2, TocoI Subdivision plat.**

RESOLUTION NO. 2007-304

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF UNIT 2 TOCOI SUBDIVISION

(10/16/07 - 13 - 3:27 p.m.)

6. PUBLIC HEARING - COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR) - IN JUNE 2007 THE COUNTY HIRED THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL TO PREPARE THE COUNTY'S EVALUATION AND APPRAISAL REPORT (EAR). THIS PUBLIC HEARING PROVIDES AN OPPORTUNITY TO PRESENT A SUMMARY OF THE 2015 COMPREHENSIVE PLAN IDENTIFIED EAR MAJOR ISSUES LIST. MAJOR ISSUES ARE RELATED TO THE CHALLENGES AND OPPORTUNITIES OF THE COUNTY'S 2015 COMPREHENSIVE PLAN. THE MAJOR ISSUES ARE THE FOCUS OF THE EAR, ASIDE FROM THE REPORT EVALUATING ALL ELEMENTS OF THE 2015 COMPREHENSIVE PLAN AND CORRESPONDING GOALS, OBJECTIVES POLICIES (GOPS). THE COUNTY'S GROWTH MANAGEMENT STAFF, LOCAL, REGIONAL AND STATE AGENCIES (SCOPING MEETING AS REQUIRED BY CHAPTER 163.3191(3), FLORIDA STATUTES) AND THE GENERAL PUBLIC (EAR NEIGHBORHOOD WORKSHOPS, ONE IN EACH PLANNING DISTRICT) HELPED THE COUNTY IDENTIFY ITS MAJOR ISSUES LIST. THE PZA ASKED THE PLANNING DIVISION STAFF TO REVISE ITS MAJOR ISSUE LIST AND THIS LIST WAS TRANSMITTED TO DCA FOR THEIR REVIEW, COMMENTS AND APPROVAL. DCA HAS REVIEWED AND APPROVED THE COUNTY'S MAJOR ISSUES LIST AND A DRAFT LETTER OF UNDERSTANDING HAS BEEN ESTABLISHED FOR THE BCC TO REVIEW AND APPROVE

Proof of publication of the notice of public hearing on the Comprehensive Plan Evaluation and Appraisal Report (EAR) was received, having been published in *The St. Augustine Record* on September 27, 2007.

Teresa Bishop, Growth Management Director, reviewed this item, speaking on approving 11 major issues. Stevenson spoke on the energy policy. Bishop responded; discussion followed. (3:29 p.m.) Patrick McCormack left the meeting; Assistant County Attorney James Whitehouse entered the meeting. Wanchick spoke on goals. Stevenson spoke on coastal high hazard management and asked to add it back under item three. Bishop responded.

(3:39 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., voiced concern about the issues and policy proposal for the Evaluation and Appraisal Report being insufficient and recommended bringing the EAR Development back to the control of the County Administrator.

(3:41 p.m.) Carl Matthaei, 7172 A1A South, spoke on the protection of the natural environment and having time for public input.

(3:44 p.m.) Sara Owen, 201 Owens Avenue, representing the Florida Wildlife Federation, spoke on it already being a done deal and stated that no more public comments were available. She stated what they supported, and spoke on wildlife species and proactive programs.

(3:51 p.m.) Manuel spoke on Wanchick receiving correspondence from the southeast portion of the county. He asked to postpone this item for two weeks and that he would like to get a status report from the County Administrator about the 11 issues. Discussion followed. Bishop made a statement in response to Owen's comments. (3:59 p.m.) **Motion by Manuel, seconded by Stevenson, carried 5/0, to delay this item for two weeks, to be brought back before the Board.**

(10/16/07 - 14 - 1:30 p.m.)

7. PUBLIC HEARING - PROPOSED ST. JOHNS COUNTY CHARTER - MEMBERS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS HAVE BEEN HOLDING DISTRICT MEETINGS PERTAINING TO A PROPOSED CHARTER. A LISTING OF THE MEETINGS INCLUDES: DISTRICT 1 - JUNE 7, BARTRAM TRAIL BRANCH LIBRARY; DISTRICT 2 - JULY 18, HASTINGS RECREATION COMMUNITY CENTER; DISTRICT 3 - AUGUST 9, SOUTHEAST BRANCH LIBRARY; DISTRICT 4 - SEPTEMBER 12, PONTE VEDRA BEACH BRANCH LIBRARY; AND DISTRICT 5 - OCTOBER 11, ANASTASIA ISLAND BRANCH LIBRARY. FLORIDA STATUTES, SECTION 125.82, PROVIDES FOR CHARTER ADOPTION BY ORDINANCE. THIS IS THE FIRST OF THREE HEARINGS FOR THE BOARD AND THE PUBLIC TO CONSIDER THE PROPOSED CHARTER PRIOR TO THE PROPOSED OCTOBER 23, 2007 ADOPTION OF A CHARTER ORDINANCE. THE CHARTER ORDINANCE WOULD PROVIDE FOR A COUNTY WIDE REFERENDUM PERTAINING TO THE CHARTER AT A SUBSEQUENT DATE SELECTED BY THE BOARD. THE THREE HEARINGS ON THE PROPOSED CHARTER WILL BE OCTOBER 2, 2007, OCTOBER 16, 2007, AND OCTOBER 23, 2007. THE PROPOSED CHARTER IS THE CHARTER SET OUT IN HB 1559 (2007)

Proof of publication of the notice of public hearing on the Proposed St. Johns County Charter was received, having been published in *The St. Augustine Record* on October 21, 2007.

Patrick McCormack, County Attorney, reviewed the changes from the last hearing two weeks ago, Exhibit A. He stated that the preamble was added; the house bills were listed by article and section numbers, and they clarified that the newly elected Board would appoint the chairman. He mentioned that in Section 4.07, on page 4, Salaries and Compensation, there was a slight wording change; Section 4.09, Enactment of Resolutions, Ordinances and Motions, clarified for ordinances and resolutions that it would take an affirmative vote of a majority of the total membership, and a motion that was not a resolution or ordinance was by simple majority. He continued with Section 5.02, page 5, Administrative Organization, removed the wording, "and office heads" and added in, "accordance with general law;" and Section 5.03, County Administrator Qualifications, Appointments and Compensation, a small change in the qualifications for Administrator. Rich suggested adding, "from a nationally recognized or credited college or university," to avoid people qualifying with mail order degrees from nationally unrecognized places. McCormack stated that they deleted the wording, "nothing in this paragraph shall prohibit service in the National Guard or military reserve," and that wording was now a general portion of the Charter so it would apply to all county employees. On the top of page 6, "the County Administrator shall be appointed by an affirmative vote of a majority of the total membership of Charter Commissioners and may be removed at any time by an affirmative vote upon notice of a majority of the total membership." He also recommended the phrase, "subject to the budget approved by the Charter Board of County Commissioners, the County Attorney may appoint an Assistant County Attorney and hire administrative staff and, with the approval of the Charter Board of County Commissioners, hire outside counsel when needed or as provided by ordinance." McCormack spoke on not holding other political activities, at the bottom on page 7, added the word, the Board may add an "interim" County Attorney, and on page 9, changes on appointees for charter committee. Stevenson spoke on the Charter being used in a political way. McCormack stated that they would review the language and bring it back on the 23rd. He stated that on page 10, he inserted the word "County," on page 11, change the word "regular" to "general," on page 12 removed the vacancies language and placed it in another section of the Charter and used the same language as the Florida Statute, on page 14, reworded the language from Section 125 on the preservation of existing government and ordinances, Article 13, Campaign Finance Regulations, spoke on reducing the campaign contribution amount, a little gray area in the law on it could leave it in and see if it got challenged. Bryant asked about paragraph 4a, Article 13, what the last sentence meant. McCormack replied that he needed to check into campaign contributions on political parties being different. Stevenson spoke on campaign financing. McCormack spoke on residency requirements at registration.

(2:09 p.m.) Al Abbatiello, 1133 River Birch Road, spoke on changes, growth, and halting construction.

(2:10 p.m.) Herbie Wiles, 63 Bayview Drive, asked for the definition of a political committee and the committee of continuous existence. Manuel explained. Wiles spoke on non-partisan election, stated that he did not like this Charter and suggested to shelf this Charter and appoint a Charter commission.

(2:14 p.m.) Hamilton Upchurch, 250 Fiddlers Point Drive, spoke on removing a presiding officer and giving notice to that officer before hand. He asked what the difference was between this Charter and the ones that had already been defeated, and why the constitutional officers were omitted.

(2:17 p.m.) Carl Kumpf, 7830 A1A South, spoke on the Charter granting the Board the power to levy fees or taxes, and being concerned about the tax situation.

(2:21 p.m.) Carl Bloesing, 12 La Vista Drive, urged the Board to put this ballot to the people at the next general election.

(2:22 p.m.) Ed Slavin, P.O. Box 3084, distributing a handout, Exhibit B, spoke on development districts, adding into the Charter standards for consolidations, and making it easier to recall an elected official than the General Florida Law. He spoke on 11 subsequent changes for the draft Charter. He suggested stronger language on eminent domain and that it should be used only for a public purpose. Slavin spoke on reforming and re-inventing government as we know it. He mentioned looking at expertise, considering constitutional officers and proposed that there be an elected County Attorney. He asked to add at least five charter powers over the five constitutional officers and not doing a starter Charter.

(2:50 p.m.) Roger Van Ghent, 4005 Moutrie Foreside Blvd., spoke on three issues: the revision of the antidiscrimination clause, the election of Commissioners being non partisan, and the Charter covering the constitutional officers. He stated that he did support the Charter.

(2:54 p.m.) Daniel MacDonald, 24501 Deer Trace Drive, responded to three topics that were brought up: non partisan elections, constitutional officers, and recalling an elected official.

(2:57 p.m.) Ken Bryan, 126 Oyster Catcher Circle, spoke on what the people of the County were concerned about with the Charter, Exhibit C.

The meeting recessed at 3:07 p.m. and reconvened at 3:21 p.m.

(3:21 p.m.) Rich recommended that the Charter public hearing be delayed from the October 23rd meeting, to the November 13th meeting. McCormack asked for clarification on Rich's recommendation. Discussion followed. (3:25 p.m.) *It was the consensus of the Board to reschedule the Charter public hearing to November 13, 2007 at 6:30 p.m.*

(10/16/07 - 16 - 3:59 p.m.)

8. CONSIDER ARVINDBHAI PATEL'S CR 210 COMFORT SUITES APPLICATION COMM 2007000059, LOCATED AT THE NORTHWEST CORNER OF CR 210/I-95 AS REQUIRED IN SECTION 6.04.04.H.1 OF THE LAND DEVELOPMENT CODE

Bill Hartman, Transportation Planning Manager, reviewed this item, distributing emails, Exhibit A. He reviewed the site plan.

(4:07 p.m.) Gul Paryani, 3115 Spring Glen Road, Jacksonville, representing Arvindbhai Patel, stated that his client bought the property with the understanding that he could build a hotel and the concurrency was already applied for and granted.

(4:07 p.m.) Brian Kientz, 709 Grand Park Drive, Jacksonville, Connelly and Wicker, stated that they had all the approval that they needed from the County to continue. Stevenson stated that she understood that this project had some implications and suggested to deny this project. Manuel stated that he concurred with Stevenson and that this action would require the County to commence negotiations for the acquisition of this piece of property and, after the motion instructed the County Administrator to commence those discussions. Rich stated that there were things that progressed over the years that had made it impossible for the Board to support. He also addressed the safety issues that exist along this corridor. He stated that at the end of the motion the Board would direct that the County immediately engage the applicant in appropriating

the property at a fair market value. Whitehouse asked the applicant if they would be willing to move forward in a manner to negotiate with the County without the County having to move forward in the manner of denying something at this point. Paryani voiced concern about the concurrency expiring on November 13th and that they didn't want to lose the concurrency for the usage that it was classified for. Rich asked if the denial of this project today, based upon the transportation issue, immediately canceled their concurrency. Whitehouse replied no, that they may be able to have a way to extend that concurrency. Rich stated that if the applicant would be willing to negotiate in good faith in order to extend the concurrency issue, he would be willing to table this item for a date uncertain until Staff and the applicant could come to an arrangement and bring it back before the Board. McCormack recommended to the Board to give direction today to extend the concurrency. Bishop stated that this certificate of concurrency had already been extended and the Board could extend it again if they wished. Paryani stated that they wanted to make sure the concurrency level did not expire. McCormack stated that they would put something in writing about the concurrency not expiring. (4:14 p.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to continue to a date uncertain, including the representation that concurrency would not expire during the negotiation period.**

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

(10/16/07 - 17 - 4:17 p.m.)

9. PUBLIC HEARING - RACETRACK ROAD OFFICE CONCURRENCY AND IMPACT FEE CREDIT AGREEMENT - L & D LAND INVESTMENTS, INC. HAS PROPOSED A CONCURRENCY AGREEMENT (AGREEMENT) TO ADDRESS THE CAPACITY DEFICIENCY IDENTIFIED IN THE CONCURRENCY REVIEW FOR PHASE 1 OF THE RACETRACK ROAD OFFICE PROJECT (AKA FLORA BRANCH OFFICE PARK PUD). THE CONCURRENCY REVIEW INDICATED AN ADVERSE IMPACT ON THE WESTBOUND APPROACH TO THE SR 13/RACE TRACK ROAD INTERSECTION FOR PHASE 1 DEVELOPMENT BASED ON RACE TRACK ROAD BEING SIGNIFICANTLY IMPACTED. THE PROPOSED AGREEMENT WILL SERVE AS THE DEVELOPER'S COMMITMENT TO BUILD THE TRANSPORTATION FACILITIES NECESSARY TO SERVE THE IMPACTS OF THE PROPOSED DEVELOPMENTS, SPECIFICALLY IMPROVEMENTS THAT PROVIDE ADEQUATE OPERATING CAPACITY AT THE SR 13/RACE TRACK ROAD INTERSECTION CONSISTING OF A SECOND WESTBOUND LEFT-TURN LANE ON RACE TRACK ROAD TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS. A REQUEST OF ROAD IMPACT FEE CREDITS IS INCLUDED IN THE AGREEMENT. THE SR 13/RACE TRACK ROAD INTERSECTION IS CONSIDERED AN "OFF-SITE" IMPROVEMENT, THUS THE COST OF THIS IMPROVEMENT IS ELIGIBLE FOR IMPACT FEE CREDIT. THE AGREEMENT WAS REVIEWED BY THE CONCURRENCY REVIEW COMMITTEE (CRC) ON SEPTEMBER 27, 2007. THE CRC VOTED (2-0) TO SUPPORT THE PROPOSED AGREEMENT IN THAT THE IMPROVEMENT IS SUFFICIENT TO PROVIDE ADEQUATE CAPACITY AT THE SR 13/RACE TRACK ROAD INTERSECTION TO ACCOMMODATE PROJECT TRAFFIC FOR PHASE 1 BY RESTORING THE WESTBOUND APPROACH TO THE ADOPTED LEVEL OF SERVICE STANDARD AND MITIGATING THE PROJECT'S ADVERSE IMPACT

Proof of publication of the notice of public hearing on CONMAJ 2006-53, Race Track Road, was received, having been published in *The St. Augustine Record* on October 1, 2007.

Bill Hartmann, Transportation Planning Manager, gave the presentation.

There was discussion on public hearings. Whitehouse said that one or more could be held before the PZA. He said that in the future that would be the practice. His said the PUD did go before the PZA but this particular one had not gone before them. Manuel said he supported remanding it back to the PZA. Rich concurred. Stevenson expressed concern about putting more traffic onto the William Bartram Scenic Highway. She said issues were also not discussed in community meetings. Whitehouse said the applicant should be allowed to comment today.

(4:24 p.m.) Sanchez said the Board should hear the same thing that went before the PZA.

(4:25 p.m.) **Motion by Rich, seconded by Sanchez, to remand the proposed Concurrency and Impact Fee Credit Agreement (CONAGREE 2007-01) back to the PZA.**

(4:26 p.m.) Gary Davenport, 5378 Fourth St., said he represented the applicant and said they had followed procedures and had done what they were supposed to do. He explained the history of the project and explained that they were instructed by staff regarding what they needed to do. He stated they were not necessarily committed to the lane improvement and asked them to direct staff to look at alternatives for use of the contributed monies for something better, as they would much prefer to do that.

(4:29 p.m.) Al Abbatiello, 1133 River Birch Rd., Chairman of the William Bartram Scenic and Historic Highway, said he was planning to oppose the changes to the intersection and would save those comments for the next PZA meeting.

(4:30 p.m.) Phyllis Abbatiello, 1133 River Birch Rd., said it was a good project but that she had a problem with the 45-foot height request for the building. She said she also had a problem with the Neighborhood Bill of Rights as the subdivision that backed up to it had a 300 foot buffer and the neighbors had not been notified. She raised issues regarding the turn lanes at the proposed intersection where the projection sticks out so far that cars actually run across it. She suggested how it might be changed.

(4:36 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. South, Fruit Cove, spoke against the improvements. She made suggestions for freeing up concurrency.

(4:38 p.m.) **Motion carried 5/0.**

(10/16/07 - 18 - 4:39 p.m.)

10. PUBLIC HEARING - PUD 2007-02 FLORA BRANCH PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROX. 10.8 ACRES FROM OR TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO CONSTRUCT UP TO 90,000 SQUARE FEET OF OFFICE AND NEIGHBORHOOD COMMERCIAL SPACE. TYPICAL USES WITHIN THIS CATEGORY INCLUDE RETAIL, BANKS, RESTAURANTS, CONVENIENCE STORES, OFFICES, ETC. THE SITE IS LOCATED OFF OF RACE TRACK RD, JUST WEST OF FLORA BRANCH BLVD. THE MASTER DEVELOPMENT PLAN PROPOSES TWO ACCESS POINTS FROM RACE TRACK RD AND ONE INTERCONNECTION WITH THE PROPERTY TO THE EAST. SIDEWALKS HAVE BEEN PROVIDED WITHIN THE DEVELOPMENT IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE. IN ACCORDANCE WITH POLICY A.2.1.4 A 75' SCENIC EDGE HAS BEEN PROVIDED ALONG RACE TRACK RD, IN AREAS WHERE LOT DEPTH IS LESS THAN 500' A 30' SCENIC EDGE

HAS BEEN PROVIDED. THE REMAINING PORTIONS OF THE PROPERTY HAVE A 35' DEVELOPMENT EDGE. APPROXIMATELY 2.7 ACRES OR 25% OF THE SITE HAS BEEN DESIGNATED AS OPEN SPACE. CENTRAL WATER AND SEWER WILL BE PROVIDED BY JEA. THE PROJECT WILL BE DEVELOPED IN 2 FIVE YEAR PHASES. THE SURROUNDING ZONINGS ARE OR AND PUD. THE SURROUNDING FUTURE LAND USE IS JULINGTON CREEK DRI AND RESIDENTIAL-B. THE PZA RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 19, 2007 HEARING BY A VOTE OF 6/1 (MOTION/SECOND BY WHEELER/WILES) (GRAYSON DISSENTING) TO REDUCE THE BUILDING HEIGHT FROM 40' TO 35'. CONCERNS EXPRESSED CENTERED ON BUILDING HEIGHT AND RESTAURANTS WITH ALCOHOLIC BEVERAGES

Proof of publication of the notice of public hearing on PUD 2007-02, Flora Branch, was received, having been published in *The St. Augustine Record* on October 1, 2007.

Motion by Rich, seconded by Stevenson, carried 5/0, to remand the item back to PZA.

(10/16/07 - 19 - 4:39 p.m.)

11. PUBLIC HEARING - PRD 2005-06 PALMO CREEK PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 345 ACRES LOCATED IN NORTHWEST ST. JOHNS COUNTY ALONG PALMO FISH CAMP ROAD FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF 69 RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 90/10% RULE FOR DENSITY: DEVELOPMENT AREA EQUALS 34.50 ACRES AND RESERVE AREA EQUALS 310.5 ACRES. LOTS WILL BE ON INDIVIDUAL WELL AND SEPTIC TANK. THE COMMUNITY IS PLANNED TO HAVE A 5 ACRE COMMUNITY PARK LOCATED AT THE ENTRANCE OF THE PROJECT AS WELL AS A COMMUNITY DOCK LIMITED TO 20 BOAT SLIPS ALONG SIX MILE CREEK. SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF INTERNAL ROADWAYS. THE NW SECTOR POLICIES A 35' DEVELOPMENT EDGE IS PROVIDED ALONG THE PERIMETER OF THE PROJECT AND A MEETING WAS HELD IN FEB. WITH LOCAL PROPERTY OWNERS. THE NEIGHBORING PROPERTIES ARE CURRENTLY ZONED OPEN RURAL (OR), RESIDENTIAL SINGLE FAMILY (RS-2), AND PRD (ORD 2006-32). THE PROPERTY IS DESIGNATED AS RURAL SILVICULTURE ON THE 2015 FUTURE LAND USE MAP. THE PZA RECOMMENDED APPROVAL OF THE REQUEST AT THE JULY 5TH MEETING BY A VOTE OF 4/1 (GRAYSON/GREEN WITH WILES DISSENTING) WITH 2 CONDITIONS - THE COMMUNITY DOCK BE LIMITED TO 20 BOAT SLIPS AND FOR THE APPLICANT TO PROVIDE INFORMATION AS TO WHAT STEPS IT WOULD TAKE TO ALLOW THEM TO GET OUT OF THE TIMBER LEASE THAT IS ON THE RESERVE AREA. THE APPLICANT HAS AGREED TO THE CONDITIONS AND HAS REVISED THE TEXT TO LIMIT THE AMOUNT OF DOCKS TO 20 AND THEY HAVE PROVIDED A COPY OF THE TIMBER LEASE

Proof of publication of the notice of public hearing on PRD 2005-06, Kingswood, was received, having been published in *The St. Augustine Record* on October 1, 2007.

Michael Blackford, Planner II, gave the presentation. He said he had a revised ordinance which was necessitated by an exhibit error. He said the main concern by the adjacent community residents centered on the size of the dock, and since that time it had been reduced from 69 boat slips to 20 at the request of the PZA. He said PZA also

requested that the Board have a copy of the timber lease agreement on the reserve area of the property.

(4:42 p.m.) Stevenson asked how many dwelling units could be on a lot. Blackford responded that there was a minimum of 800 square feet and a maximum of 30 percent of the overall dwelling. She asked whether people tended to encroach on buffers that were part of their backyards and if they had a hard time regulating that. Blackford said buffer areas did allow for some accessory uses, not main structure uses. She asked about the reserve and agriculture areas which she said she liked. She asked if the agricultural area was part of a larger parcel and if there would be access to that area. Blackford said an existing access was present, and there were two accesses to the reserve area off Palmo Rd.

(4:45 p.m.) Gordon Smith, President, CGS Consulting Engineers, pointed out that the applicants, the Arnold family, had always been strong participants in the community. He said they wanted to get the project right. He said it was a low density, low impact project using the 90/10 rule. He reviewed the project details. He said they were not asking for any waivers. There was discussion on street lighting and that it did not have to be required.

(4:51 p.m.) Steve Glidden, 10690 CR 13 North, spoke in behalf of the Arnold family for the request. He said they had put together a package that was compatible with the area and the neighbors.

(4:53 p.m.) Ed Hampshire, 8415 Palmo Fish Camp Rd., spoke on behalf of the Arnold family and in favor of the request. He said their concerns had been addressed regarding the boat slips, street lights and sidewalks. He commended them for listening to the community.

(4:55 p.m.) Rich read a letter into the record in support of the request. He suggested they include a waiver regarding sidewalks. Smith said that would be agreeable.

(4:57 p.m.) Manuel asked about the sidewalk fund. Blackford said they could donate to the sidewalk fund and a waiver would need to be granted for the exterior sidewalks. Smith said he would agree to ask for the sidewalk waiver.

(4:59 p.m.) Stevenson said she wanted to ensure the wetland area and the rural silvaculture would become a part of the homeowners association. Smith said that was correct.

(4:59 p.m.) Mr. Glidden said there was a timber lease area until 2032 but that the family would like preservation of the property. He said they would like to see a passive park when possible, to be named after his mother-in-law.

(5:01 p.m.) Whitehouse said they had already indicated their intention for the land but they were restricted until 2032. Stevenson asked if there was a way to state that the reversionary interest would go to the homeowners. Whitehouse said they could proceed in that direction since they had indicated their intent and would find a way to specify that intent.

(5:04 p.m.) Manuel suggested that Glidden work with the County Attorney to clarify their intention for the use of the land and to work out the legal language.

(5:06 p.m.) Smith said the PRD really locked in the number of houses and would keep the land as specified.

(5:06 p.m.) Motion by Stevenson, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2007-79, known as PRD 2005-06, Palmo Creek, adopting findings of fact one through five to support the motion, including a waiver for sidewalks and explicitly that lighting would not be included and that an agreement will be entered into with the County Attorney regarding the land use.

ORDINANCE NO. 2007-79

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The Board recessed at 5:07 p.m. and reconvened at 5:16 p.m.

(10/16/07 - 21 - 5:16 p.m.)

12. PUBLIC HEARING - REZ 2006-33 HUGHES PALM VALLEY REZONING - THIS IS A REQUEST TO REZONE 7.54 ACRES FROM OR TO RS-2 FOR A SINGLE FAMILY SUBDIVISION. THE PROPERTY CURRENTLY CONTAINS TWO SINGLE-FAMILY HOMES. THE PARCEL IS LOCATED ON EAST SIDE OF PALM VALLEY ROAD, NORTH OF CANAL BOULEVARD AND IS LOCATED WITHIN THE RESIDENTIAL-B (COASTAL) LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY INTERCOASTAL UTILITIES. ADJACENT ZONINGS ARE OPEN RURAL (OR), RESIDENTIAL SINGLE FAMILY (RS-3), AND PLANNED UNIT DEVELOPMENT (PUD) WITH SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. THE PZA RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THE 12-7-06 HEARING BY A UNANIMOUS VOTE

Proof of publication of the notice of public hearing on REZ 2006-33, Hughes, was received, having been published in *The St. Augustine Record* on October 1, 2007.

Lindsay Haga, Chief Planner, gave the presentation and said it was a straight rezoning.

(5:17 p.m.) Karen Taylor, 77 Saragossa, said it was straightforward, but a correction was that they had proposed 11 lots and could have up to 15 lots. Rich asked why one section was RS-3 in an RS-2 area. Taylor said it was a rezoning from some time ago. Haga explained why it had been rezoned saying the minimum lot size requirements made the difference.

(5:20 p.m.) Motion by Manuel, seconded by Sanchez, carried 5/0 to enact Ordinance No. 2007- 80, known as REZ 2006-33, Hughes Palm Valley, adopting findings of fact one through four to support the motion.

ORDINANCE NO. 2007- 80

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 (RS-2) MAKING
FINDINGS OF FACT; REQUIRING RECORDATION;
AND PROVIDING AN EFFECTIVE DATE**

(10/16/07 - 22 - 5:21 p.m.)

13. PUBLIC HEARING - NOPC 2007-04 NOCATEE DRI - A PROPOSED CHANGE TO THE PREVIOUSLY APPROVED NOCATEE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, RESOLUTION 2001-30, AS AMENDED, FILED UNDER THE PROVISION OF SUBSECTION 380.06(19) OF THE FLORIDA STATUTES. CHANGES PROPOSED ARE (1) A REQUESTED MODIFICATION TO CHANGE THE REQUIREMENT FOR CONSTRUCTION OF A 4 LANE SECTION AT C.R. 210 AND MICKLER ROAD OR TO MAKE PAYMENT TO ST. JOHNS COUNTY, (2) A REQUESTED MODIFICATION TO CHANGE THE TIMING OF THE RACETRACK ROAD EXTENSION CONSTRUCTION (3) A REQUESTED MODIFICATION REGARDING THE REQUIREMENT FOR A PD&E STUDY FOR THE PROPOSED EAST-WEST PARKWAY, (4) AND A REQUESTED MODIFICATION TO ADD 5 YEARS TO THE DRI TERMINATION AND DRI DEVELOPMENT ORDER DATES TO ACCOMMODATE TOLLING AND RECENT GROWTH MANAGEMENT LEGISLATION. THE PZA HEARD THIS ITEM DURING THEIR SEPT 6, 2007 MEETING AND VOTED 7-0 TO RECOMMEND APPROVAL OF THE NOPC TO THE COMMISSION WITH MR. WHEELER MAKING THE MOTION AND MR. LAIDLAW THE SECOND

Proof of publication of the notice of public hearing on NOPC 2007-04, Nocatee, was received, having been published in *The St. Augustine Record* on October 1, 2007.

Jason Cleghorn, Planner III-DRI Coordinator, gave the presentation and explained the details of the application.

(5:26 p.m.) Rich asked Whitehouse if certain items could be deleted if approved or if it had to be approved as a package. Whitehouse said they could delete some, but had to have specific reasons. Rich said he had spoken with members of the Transportation Department regarding item number 1, he said the benefit to the people of the County could not be justified by the Transportation Department to his satisfaction. He also discussed expansion of the roadway and stated that it would not justify four-laning. He said he would not support item no. 1.

(5:30 p.m.) Stevenson said the community had started a visioning plan and they had some safety concerns for that area. She noted that many of the people in the area did not want it. She said she was concerned if they took the money that it would be used for other needs and wouldn't be available when it was needed. She cautioned it was not safe for bikers and walkers in the area. She said four-laning caused a lot of stress for the community.

(5:33 p.m.) Manuel said he supported the proposal as submitted, he had worked closely with the community on the issue and they were planning on sharing their vision with the Ponte Vedra community. He said the challenges for the Guana and the State would be very difficult. He said you would either have to do the whole thing or leave it the way it was.

(5:35 p.m.) Rich asked Manuel if he was saying that the meetings would last more than a year. Manuel said that was not the issue but the issue was whether there would be infringement into the Guana and that process would take awhile. Rich said if they approved it the money would go away until five years from now.

(5:36 p.m.) Sanchez said he supported the direction Rich was moving in. He said he would rather have the money in possession for five years than not. He said he did not see the possibility of taking land away from the Guana and he would not even support requesting that from the State.

(5:37 p.m.) Stevenson declared ex-parte communication with the Sawmill Lakes community, the manager of the Guana Tolomato Matanzas Estuary Reserve, and with the State DEP. She said she was aware there was a desire to do road improvements within the existing footprint. She said the holdup was that the Board had not done their part. She said it had been deferred so the Board would have the opportunity to come up with a plan that would work for the community and would still address some of the safety issues within the existing footprint and without the right-of-way.

(5:39 p.m.) Sanchez said 2012 was too far out. He said he could see giving some extension but that was too far out. He said it took away some of the Board's options in case things should start moving.

(5:39 p.m.) Bryant said the extension request was on the part of County staff, and he would support leaving it the way it was. Rich asked what the reasoning was for asking for something they were not going to get. Cleghorn said it had to do with the difficulty of acquiring what would be necessary, and the passage of time might heal that difficulty.

(5:41 p.m.) Tom Ingram, Pappas Metcalf Jenks and Miller, 245 Riverside Ave. Suite 400, Jacksonville, said the request to delay the payment was initiated by the County. He said they were trying to accommodate the wishes of St. Johns County. He said they felt it was a substantive amendment to the DRI Development Order and therefore had asked that it needed to be included in the amendment to the DRI change notification.

(5:43 p.m.) Greg Barbour, with the Park Group, said they were obligated in the Development Order to build the road, and when the County decided what kind of road and how it was going to get built, they would build the road. He stated they were not trying to extend the obligation. He said if the County didn't want to build the road or was unable to get the necessary right-of-way, then their obligation to write the check would get extended to 2012 and that was at the request of County staff.

(5:43 p.m.) Rich said he had seen things done by staff that were questionable. He said he was skeptical of something of this nature that was not in the best interest of the County. Barbour said the request had been made because it was an issue in the community and it was a pressure point because of the date coming up. He said extending it by five years would give the County more time to come up with a solution that made sense.

(5:46 p.m.) There was discussion regarding disclosure of ex-parte communications. Rich stated that the issue was so old that he couldn't go back that far. Bryant said his ex-parte had been many months ago and he had no conversations recently.

(5:47 p.m.) Ed Slavin, Box 3084, St. Augustine, agreed with Chairman Rich regarding the \$5.5 million and said they should apply interest. He suggested that they amend it to all parks, open spaces and the conservation land in Nocatee be deeded and titled to the National Park Service for the St. Augustine National Historic Park National Seashore and National Coastal Scenic Highway. He said the approval of Nocatee was one of the biggest mistakes made in the history of the county. He suggested they roll back their approvals for projects like Nocatee. He suggested they put it in a park to preserve it

forever. He said there was also case law that if legislation was procured through fraud, a court could set it aside.

(5:52 p.m.) Manuel said he had to defend the Davis family and their contributions to the community had been invaluable and they should be commended for it. He said they had given 3 ½ miles of Intracoastal frontage, pristine property to the County, and that it was unbelievable that we should give them a hard time. Stevenson said it was an absolutely gorgeous piece of land and she was grateful that it was going to be preserved.

(5:53 p.m.) Sanchez said we should be honest about the \$6 million we gave them back in impact fee credits. He said we bought that land and they did not give that land to us. He said he had a lot of difficulty believing that we would ask something that would allow them to benefit from what they were requesting. He said he thought there was a lot more to it and he could not support Item No. 1.

(5:55 p.m.) Rich said he could approve it except for Item No. 1 within the request which was basically a loan to the Nocatee DRI.

(5:56 p.m.) **Motion by Manuel, seconded by Bryant, to adopt Resolution No. 2007-305, approving a Notice of Proposed Change to the Nocatee DRI Development Order, adopting Findings of Fact one through four to support the motion.** Discussion ensued. The vote was held while Commissioner Stevenson was consulting and the vote was 2/2. Rich stated that Stevenson had missed the vote. Bryant asked the County Attorney to clarify that Stevenson was present but consulting regarding the matter. He said the courtesy should be extended to her. Rich said that he did not even know that she was gone. Whitehouse said that if she was in the room, she was allowed to vote. Stevenson said that she didn't know how to correct it the first year she was there but she knew how to correct it now. She said she was requesting information. Rich brought it back to the board for a vote and asked for a roll call vote:

Manuel: yes
Bryant: yes
Stevenson: no
Sanchez: no
Rich: no

The motion failed 3/2.

(5:59 p.m.) Whitehouse stated they needed a motion to deny.

(5:59 p.m.) **Motion by Rich, seconded by Sanchez, to deny a Notice of Proposed Change to the Nocatee DRI, adopting Findings of Fact one through four to support the Motion.**

Ingram stated that he would withdraw the first item of contention if that was what the Board wanted. Rich said it was too late as there was already a motion on the floor.

The vote was 3/2 with Rich and Sanchez voting in the affirmative for denial. Motion failed.

Stevenson said she was on the winning side of the first vote so she would like to ask a question of staff, which is what she was trying to do originally. She asked what the maximum obligation of the Nocatee DRI was for that specific link. Cleghorn responded that it would be for four-laning. He said the County was to acquire the right of way

and they were to build, design and construct it. He said the delay requested for the five years was requested in the hopes that it would give the County time to acquire the right-of-way. Stevenson said that by granting the request, that was made by staff, there would be an opportunity for the obligation to be greater than \$5.5 million indexed. Cleghorn say yes, he believed that to be the case. Stevenson said, with that understanding she would like to make a motion.

(6:00 p.m.) Motion by Stevenson, seconded by Manuel, to reconsider the requested NOPC to include item No. 1.

Ingram stated that he did not agree to that interpretation. He said that under the proposed change, if they agreed to it, their obligation was limited to \$5.5 million as indexed for inflation. Stevenson clarified that the County would be responsible for any costs over that amount. Cleghorn apologized for inadvertently misleading Stevenson when he responded yes to her question regarding construction costs. He said he was responding to the cost for the indexing. **(6:03 p.m.) Stevenson withdrew her motion and Manuel withdrew his second.**

(6:03 p.m.) Rich asked Ingram if he was prepared to withdraw his request on Item No. 1. He said that he was.

(6:04 p.m.) Motion by Sanchez, seconded by Rich, to adopt Resolution 2007-305, approving a Notice of Proposed Change to the Nocatee DRI Development Order, adopting Findings of Fact one through four to support the motion, not to include Item 1, and will include only Items 2, 3, and 4.

Manuel said he would support the motion because they needed to move forward, but he was telling them that the community did not trust that government with the \$5.5 million and had no desire to transfer the money to the County.

(6:04 p.m.) Rich called the vote. **Motion carried 5/0.**

RESOLUTION NO. 2007-305

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 2001-30; AND PREVIOUSLY MODIFIED BY RESOLUTION 2006-95, APPROVED MARCH 21 2006; AND PREVIOUSLY MODIFIED BY RESOLUTION 2007-127, APPROVED MAY 1, 2007; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

Rich asked the Commissioners how they would like to see the money set aside for investment for the next four to five years, for the building of the roadway. Stevenson asked that it be deferred to the County Administrator. Rich asked Wanchick to return to the Commission for a plan for the investment of the funds. Discussion ensued regarding receipt of the funds.

(10/16/07 - 25 - 6:09 p.m.)

13A. TO TRANSFER FUNDS IN THE AMOUNT OF \$20,187 FROM GENERAL FUND RESERVES (0083-59920) TO THE CONVENTION CENTER FUND TO PROVIDE

PAYMENT FOR THE SPECIAL ASSESSMENTS THAT ARE STILL
OUTSTANDING TO THE CONVENTION CENTER

Manuel explained that he had asked for the item to be placed on the Regular Agenda because of disparities in the amounts requested on two different documents. He requested that a presentation be made to the Board regarding their obligations to the County Convention Center. He also asked that the County Attorney move forward to place liens against any of the people who were supposed to make the payment in lieu of the County making the payment.

(6:09 p.m.) Motion by Manuel, seconded by Stevenson, carried 5/0, to transfer funds in the amount of \$20,187 from General Fund Reserves (0083-59920) to the Convention Center Fund to provide payment for the special assessment that is still outstanding to the Convention Center.

(10/16/07 - 26 - 10:03a.m.)

13B. DISCUSSION OF THE APAC PLANT

This item was removed from the agenda.

(10/16/07 - 26 - 6:09 p.m.)

13C. AUTHORIZATION TO APPLY FOR THE FLORIDA LOCAL UPDATE OF
CENSUS ADDRESSES (LUCA) GRANT

Motion by Manuel, seconded by Bryant, carried 5/0, to approve the Grant application for Florida Local Update of Census Addresses (LUCA).

(10/16/07 - 26 - 6:10 p.m.)

14. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING TERMS FOR A ST. JOHNS COUNTY ANNUAL FUNDING REQUEST (FY 2008-2009) FOR PARTICIPATION IN THE FDEP BEACH MANAGEMENT FUNDING PROGRAM AND AUTHORIZING THE ADMINISTRATOR TO BUDGET FOR THE JOINT PARTICIPATION FUNDS REQUIRED FOR BEACH MANAGEMENT FUNDING ASSISTANCE

Press Tompkins, County Engineer, gave the presentation, and stated it was a yearly contract that had to be brought before the Board to validate their participation in the Corps program for renourishment of St. Augustine pier. He said feasibility studies were being done at Vilano, Summer Haven and South Ponte Vedra Beach.

(6:11 p.m.) Motion by Stevenson, seconded by Bryant, carried 5/0, to adopt Resolution No. 2007-306, approving the terms and authorizing the County Administrator to Budget for the Joint Participation Funds Required for Beach Management Funding Assistance.

RESOLUTION NO. 2007- 306

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COSTAL SYSTEMS

(10/16/07 - 27 - 6:11 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

She asked that Mike Griffin be allowed to give a report she had requested. Mike Griffin, Development Services, gave a report on the Rivertown project and problems caused by 10 inches of rain within 24 hours. He said three branches were affected by the stormwater. He said County Enforcement staff had worked with St. Joe in making sure that all the land management protection features were replaced. He gave an update on the actions that had been taken. He said there were no harmful effects created by the runoff to the streams and it was being monitored by staff. He said a warning citation had been issued and fines of up to \$10,000 a day could be issued for any violation by the Special Magistrate.

Stevenson asked for Board consensus to put a notice out with information on who the public should contact in the event violations were seen for sedimentation and silt runoff. Griffin said they could put in on the website and on GTV.

She also said she had met for an update on the Governor's Oaks and that arborists were looking at stabilization of those trees and following up with the DOT to see if that could occur in their right-of-way. She said the developer had been fined the maximum amount under the tree code. She said if the State would allow it in their right-of-way, she wanted to see if they could pay for it out of the Tree Fund. She said she would also like to recommend raising the fine for special trees like the Governor's Oaks. She asked for staff to bring them a recommendation for that special category of tree.

She also wanted to discuss Highway 210. She said it was at capacity and she had a hard time explaining how they could allow any more development along that corridor. She said they couldn't just keep adding fuel to the fire when there was not enough major infrastructure to keep the area safe.

(6:21 p.m.)
Commissioner Sanchez:

No comments.

(6:21 p.m.)
Commissioner Rich:

Commented on the Esplanade project. McCormack suggested they bring it back to the PZA for reconsideration. *The Board gave consensus to do so.*

Rich asked if Bobby Hall was ready to go at the end of the month regarding the Palencia Fire Station.

Stevenson expressed concern about the Planned Rural Development (PRD) process, and stated it was to preserve conservation and agriculture as well. She said the PZA set policy that was not always going to be agreed to by the Board. She said she appreciated their hard work.

(6:23 p.m.)
Commissioner Manuel:

He asked for consensus of the Board to ask the County Administrator to set up a date for a joint meeting with the City of St. Augustine, St. Augustine Beach and the City of Hastings so they could hold a countywide meeting. Sanchez said a clear agenda would be necessary. Sanchez said he would also like to see meetings set up with neighboring County Commissions.

(6:25 p.m.)

Commissioner Bryant:

No comments.

(10/16/07 - 28 - 6:25 p.m.)

COUNTY ADMINISTRATOR REPORT

Wanchick said they would like to set a special meeting date for December 18 because Christmas would fall on the following Tuesday.

(6:26 p.m.) Stevenson and Bryant left the meeting.

(10/16/07 - 28 - 6:26 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack said that House bill 20-7203 would have an effect on DRIs and caused some time frames to be moved 3 years right, DRI expirations and phases. He said it had not been mentioned in the Nocatee item and he wanted them to be aware of that.

(6:27 p.m.) Motion by Manuel, seconded by Sanchez, carried 3/0, with Bryant and Stevenson absent., to adjourn the meeting.

With there being no further business to come before the Board, the meeting adjourned at 6:27 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register Check No. 408538, totaling \$1,801.30 (09/20/07)
2. St. Johns County Board of County Commissioners Check Register Check No. 408539 through 408960, totaling \$3,080,935.16 (09/25/07)
3. St. Johns County Board of County Commissioners Check Register Check No. 408961, totaling \$33,821.73 (09/26/07)
4. St. Johns County Board of County Commissioners Check Register Check No. 408962 through 408994, totaling \$66,789.88 (09/27/07)
5. St. Johns County Board of County Commissioners Check Register Check No. 408995 through 408996, totaling \$832.00 (09/27/07)
6. St. Johns County Board of County Commissioners Check Register Check No. 408997 through 409386, totaling \$1,793,046.93 (10/02/07)
7. St. Johns County Board of County Commissioners Check Register Check No. 409387 through 409393, totaling \$180,189.15 (10/07/07)
8. St. Johns County Board of County Commissioners Check Register Check No. 409394, totaling \$744.08 (10/03/07)
9. St. Johns County Board of County Commissioners Check Register Check No. 409395, totaling \$2,858.82 (10/04/07)

CORRESPONDENCE:

1. Letter dated September 20, 2007 from Eric Dailey, Glen St. Johns Community Development District, regarding a copy of Resolution No. 2007-10.

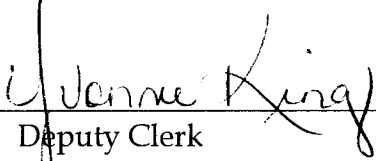
2. Letter dated September 25, 2007 to Liz Cloud, Program Administrator, filing St. Johns County Ordinances Number 2007-70 through 2007-75.
3. Letter dated September 27, 2007 from Eric Dailey, Madeira Community Development District, regarding a copy of Resolution No. 2007-13.
4. Letter dated October 4, 2007 to Liz Cloud, Program Administrator, filing St. Johns County Ordinance No. 2006-104.

Approved November 13, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

