

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
DECEMBER 11, 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:        Thomas G. Manuel, District 4, Chairman  
                          Cyndi Stevenson, District 1, Vice Chair  
                          Ron Sanchez, District 2  
                          Ben Rich, District 3  
                          James Bryant, District 5  
                          Michael D. Wanchick, County Administrator  
                          Patrick McCormack, County Attorney  
                          Yvonne King, Deputy Clerk

Also present:        Cheryl Strickland, Clerk of Court

(12/11/07 - 1 - 9:01 a.m.)  
CALL TO ORDER

Manuel called the meeting to order.

(12/11/07 - 1 - 9:01 a.m.)  
ROLL CALL

Manuel stated that all five commissioners were present.

(12/11/07 - 1 - 9:02 a.m.)

Rich gave the Invocation and Sanchez led the Pledge of Allegiance.

(12/11/07 - 1 - 9:03 a.m.)  
DELETIONS TO CONSENT AGENDA

Wanchick requested that item 18 be pulled.

(12/11/07 - 1 - 9:04 a.m.)  
APPROVAL OF CONSENT AGENDA

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

1.     Approval of the Cash Requirement Report
2.     Minutes:  
       10/29/07 - BCC Special Meeting
3.     Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the #1 ranked firm, Beck Disaster Recovery, Inc., for RFP 07-78, Continuing Contract - Disaster Debris Management Services. If an

agreement cannot be reached, authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached

4. Motion to adopt **Resolution No. 2007-389**, recognizing unanticipated revenues of \$83,000 from a Florida Department of Transportation Service Development Grant, Supplemental Joint Participation Agreement Financial Project (FP) #217141-2-84-07 and authorizing there expenditure for St Johns County Transit System's Aid to Private Organization and adjusting the transit revenue and expenditure budget in recognition of these funds

**RESOLUTION NO. 2007-389**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING UNANTICIPATED REVENUES OF \$83,000 FROM A FLORIDA DEPARTMENT OF TRANSPORTATION SERVICE DEVELOPMENT GRANT AND AUTHORIZING THEIR EXPENDITURE BY ST. JOHNS COUNTY FOR TRANSIT OPERATIONS AND TO ADJUST THE TRANSIT REVENUE AND EXPENDITURE BUDGET IN RECOGNITION OF THESE FUNDS

5. Motion to approve the negotiated contract between the St. Johns County Board of County Commissioners and St. Johns County Professional Firefighters and Paramedics, IAFF Local 3865
6. Motion to transfer \$51,215 from Tree Bank Capital Outlay Reserve (1231-59927) to Tree Bank Contractual Services (1231-53120) for the previously approved expenditure for the Hancock Place project that has been continued from FY 2007 to FY 2008
7. Motion to transfer \$170,357.58 from 3384-59927 '05 Revenue Sharing Bond to 3384-56300 Property Appraiser Expansion - Building Improvements
8. Motion to adopt **Resolution No. 2007-390**, setting a public hearing date of January 8, 2008 at 9:00am to hear a request for the vacation of portions of County Road 210

**RESOLUTION NO. 2007-390**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SETTING A PUBLIC HEARING DATE OF JANUARY 8 AT 9:00 A.M. TO HEAR A REQUEST FOR THE VACATION OF PORTIONS OF COUNTY ROAD 210.

9. Motion to adopt **Resolution No. 2007-391**, approving a Final Plat for Villas at Heritage Park Replat of Lots 63, 64, 65, 78, a Portion of Tract H and a portion of Tract I

**RESOLUTION NO. 2007-391**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, VILLAS AT HERITAGE PARK REPLAT OF LOTS 63, 64,

**65, 78, A PORTION OF TRACT H AND A PORTION OF TRACT I**

10. Motion to adopt **Resolution No. 2007-392**, approving a Final Plat for King's Trace

**RESOLUTION NO. 2007-392**

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

11. Motion to adopt **Resolution No. 2007-393**, approving a Final Plat for Ponte Vedra Industrial

**RESOLUTION NO. 2007-393**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR PONTE VEDRA INDUSTRIAL**

12. Motion to adopt **Resolution No. 2007-394**, approving a Final Plat for Rivertown – Main Street District – Section 2

**RESOLUTION NO. 2007-394**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR RIVERTOWN - MAIN STREET DISTRICT - SECTION 2**

13. Motion to adopt **Resolution No. 2007-395**, approving the Final Plat for Rivertown - Garden District - Section 1

**RESOLUTION NO. 2007-395**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR RIVERTOWN - GARDEN DISTRICT - SECTION 1**

14. Motion to adopt **Resolution No. 2007-396**, approving the terms and authorizing the County Administrator to execute the 1st Amendment to the Purchase and Sale Agreement for the acquisition of property to mitigate wetland impacts as a result of the construction of Capital Improvement Projects to extend Section (4) and Section (10) for 120 days

**RESOLUTION NO. 2007-396**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE 1<sup>ST</sup> AMENDMENT TO THE PURCHASE AND SALE**

**AGREEMENT FOR THE ACQUISITION OF PROPERTY TO MITIGATE WETLAND IMPACTS AS A RESULT OF THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECTS TO EXTEND SECTION (4) AND SECTION (10) FOR 120 DAYS**

15. Motion to adopt **Resolution No. 2007-397**, accepting and authorizing the County Administrator to execute a Hold Harmless Agreement from JEA for the construction of a sidewalk within the JEA Utility Easement along the west side of Linde Avenue

**RESOLUTION NO. 2007-397**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A HOLD HARMLESS AGREEMENT FROM JEA FOR THE CONSTRUCTION OF A SIDEWALK WITHIN THE JEA UTILITY EASEMENT ALONG THE WEST SIDE OF LINDE AVENUE**

16. Motion to adopt **Resolution No. 2007-398**, accepting a Grant of Easement from Julington Creek Plantation Property Owners Association for the construction of a sidewalk within the common area designated as open space along the west side of Linde Avenue

**RESOLUTION NO. 2007-398**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FROM JULINGTON CREEK PLANTATION PROPERTY OWNERS ASSOCIATION FOR THE CONSTRUCTION OF A SIDEWALK WITHIN THE COMMON AREA DESIGNATED AS OPEN SPACE ALONG THE WEST SIDE OF LINDE AVENUE**

17. Motion to approve the transfer of \$8,750 from LAMP Special Contingency (0083-59902) to Real Estate Consulting (1270-53150) for lobbying effort supporting the top tier ranking of the Northeast Florida and St. Johns River Blueway by the Florida Forever Acquisition and Restoration Council
18. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, PBS & J for RFQ #08-38 – Shore Stabilization Feasibility Study. 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

*This item was removed from the consent agenda.*

19. Proofs:
- a. Proof, Notice to Bidders, Bid No. 08-53
  - b. Proof, Notice of Hearing, Board of County Commissioners, Stormwater Utility Services Fees, November 13, 2007 at 5:30pm

- c. Proof, Notice to Bidders, Bid No. 08-24
- d. Proof, Notice to Bidders, RFQ No. 08-06
- e. Proof, Notice to Bidders, RFQ No. 08-20
- f. Proof, Notice to Bidders, Bid No. 08-39
- g. Proof, Notice to Bidders, Bid No. 08-41
- h. Proof, Notice to Bidders, Bid No. 08-36
- i. Proof, Notice to Bidders, Bid No. 08-47
- j. Proof, Notice to Bidders, Bid No. 08-49
- k. Proof, Notice to Bidders, Bid No. 08-50
- l. Proof, Notice to Bidders, Bid No. 08-51
- m. Proof, Notice to Bidders, Bid No. 08-52
- n. Proof, Notice to Bidders, Bid No. 08-54

(12/11/07 - 5 - 9:04 a.m.)

PUBLIC COMMENT

Dwight Hines, 150 Nesmith Avenue, spoke on the poor record situation and other issues. He suggested they bring in an outside auditor and other possible solutions. There was discussion regarding the open records situation and the use of auditors.

(9:12 a.m.) Lou Ritter, 985 Palm Valley Road, commented on leadership in political offices and the necessity for knowledge to be passed on to succeeding leadership. He also requested a sign be placed to indicate Palm Valley Road as the previous one had been removed during construction. He also questioned the name of the road and whether it would be changed and whether the Nocatee developers had taken over the road.

(9:20 a.m.) Locklear said that street signs were to be installed within the next week and a heritage monument sign was removed during construction and was being refabricated and would be reinstalled after the first of the year. Discussion followed on the directional sign.

(12/11/07 - 5 - 9:22 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick introduced a new procedure for zoning public hearings where the applicant would make the presentation rather than staff. He stated this would eliminate some of the duplication of information taking place during presentation.

There were no additions, nor deletions to the Regular Agenda.

(12/11/07 - 5 - 9:23 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Rich, seconded by Sanchez, carried 5/0, to approve the Regular Agenda.**

(12/11/07 - 5 - 9:23 a.m.)

1. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN NOTE AND OTHER RELATED DOCUMENTS ASSOCIATED WITH THE COUNTY'S PARTICIPATION IN THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION POOLED COMMERCIAL PAPER LOAN PROGRAM AND THE BORROWING OF \$2,500,000 TO CONSTRUCT ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE COUNTY'S EXISTING ADMINISTRATION AND COURTHOUSE COMPLEX

Patrick McCormack, County Attorney, explained that each board member needed to execute a certificate as to public meetings stating that the decision was made in a public hearing in accordance with law. He suggested that they sign them during the break. He introduced Jean Mangu.

(9:24 a.m.) Jean Mangu, Edwards Cohen, 6 East Bay St., Jacksonville, explained that it was a commercial paper loan with the Local Government Finance Commission's Pooled Paper Commercial Program. She said the amount was \$2.5 million to be repaid over approximately 5 years. She said the resolution would authorize that borrowing for the additions and extensions of the existing courthouse and administration building. Mangu then answered questions from the Board.

(9:26 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to adopt Resolution 2007-399, authorizing the execution and delivery of the loan note and other related documents associated with the County's participation in the Florida Local Government Finance Commission Pooled Commercial Paper Loan Program and the borrowing of \$2,500,000 to construct additions, extensions, and improvements to the County's existing administration and courthouse complex.**

#### RESOLUTION NO. 2007-399

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THAT AMENDS AND SUPPLEMENTS ST. JOHNS COUNTY RESOLUTION NOS. 99-138, 2001-78 AND 2005-8; MAKES FINDINGS; PROVIDES DEFINITIONS; APPROVES AN INCREASE FROM \$30,000,000 TO \$45,000,000 IN THE COUNTY'S AUTHORIZED BORROWINGS FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION; AUTHORIZES THE COUNTY TO BORROW \$2,500,000 (THE "TWELFTH LOAN") FOR THE PROJECT DESCRIBED HEREIN FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF SAID COMMISSION; PLEDGES CERTAIN NON-AD VALOREM FUNDS TO THE PAYMENT OF THE TWELFTH LOAN; APPROVES THE TERMS AND CONDITIONS OF THE NOTE THAT WILL EVIDENCE THE TWELFTH LOAN; AUTHORIZES A NEGOTIATED SALE OF THE TWELFTH LOAN NOTE; AUTHORIZES THE EXECUTION AND DELIVERY OF THE TWELFTH LOAN NOTE; DIRECTS THE COUNTY ADMINISTRATOR TO ENSURE THAT CERTAIN TASKS ARE PERFORMED; AUTHORIZES THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS; AND PROVIDES AN EFFECTIVE DATE**

Stevenson questioned a public member from the audience.

(9:27 a.m.) Tom Turnage, 4114 Herschel St., Jacksonville, stated he was present as a result of owning property at 2809 S. Ponte Vedra Blvd. He thanked Stevenson for recognizing him but was not prepared to comment that day. He said they were meeting with representatives of the county that week to discuss some of the things they had learned speaking with the Florida Department of Environmental Protection

regarding funding that might be available on a matching basis to assist them with some of their erosion issues in South Ponte Vedra and Vilano Beach. He said he was there regarding other issues on the agenda.

(12/11/07 - 7 - 9:29 a.m.)

2. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTRACT TO ORTEGA INDUSTRIAL CONTRACTORS FOR BID # 08-07 - ANASTASIA ISLAND WWTP EXPANSION

Joe Burch, County Purchasing Director, explained the bid regarding the Anastasia Island Waste Water Treatment plant expansion which would increase its treatment capacity and would improve the discharge quality. He reviewed the bids and what each covered.

(9:32 a.m.) Bryant questioned the capacity used on the waste water treatment plant. Burch responded they were at 3.1 million gallons capacity on that particular plant. Michael Sulayman, Chief Engineer for Capital Projects of the Utility Dept., responded to Bryant and said they were rated for 4 million gallons per day.

**(9:32 a.m.) Motion by Stevenson, seconded by Bryant, carried 5/0, to authorize the County Administrator, or his designee to award a contract to Ortega Industrial Contractors in the amount of \$17,911,800.00 for the Base Bid (\$17,695,500.00), Alternate Bid Item #2 (\$156,300.00) and Item #10 Assigned Bid Allowances (\$60,000.00) (permitting, FPL Fees, testing and lab services, irrigation) and transfer \$1,619,916.00 from department 4416 to department 4415.**

(12/11/07 - 7 - 9:34 a.m.)

3. CONSIDER MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE AN AGREEMENT EXTENSION FOR ONGOING VILANO/SUMMERHAVEN BEACH SHORE STABILIZATION FEASIBILITY STUDY FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM

Press Tompkins, County Engineer, explained the extension for the ongoing contract with the Corps of Engineers and the DEP for the beach renourishment and shore stabilization studies for Vilano/Summerhaven Beach Shore. He said this amendment to the contract would add South Ponte Vedra Beach to that study.

(9:41 a.m.) Terry Bulla, Deputy Clerk, entered the meeting and Yvonne King left the meeting.)

Tompkins said it allowed the County to do cost sharing with the Corps, and the Federal Government was picking up fifty percent, DEP twenty-five percent and the local match was twenty-five percent which came from the beach renourishment portion of the TDC tax funds. Manuel asked the amount of the TDC contribution. Tompkins said it was \$100,000. Tompkins said that at the end of the study there would be an action plan. General discussion ensued. Stevenson reported on her talks with DEP officials in Tallahassee. Tompkins said they had only learned about the availability of the emergency funds about a week and a half ago and they had been scrambling to find some way to address it and to get some direction on it.

**(9:43 a.m.) Motion by Rich, seconded by Sanchez, to authorize the Chairman to execute an Agreement Extension for ongoing Vilano/Summerhaven Beach Shore stabilization Feasibility Study for the Florida Department of Environmental Protection Beach Management Funding Assistance Program.**

(9:43 a.m.) Tom Turnage clarified the differences in the on-going study and the study he was involved in which was with the homeowners and the Florida Department of Environmental Protection. He said they had raised the money to study just the Vilano and Ponte Vedra Beach area. He noted they had raised \$140,000 and had received the same amount in a State DEP match. He said they would hopefully move more quickly than the Federal government.

(9:45 a.m.) Stevenson stated she wanted staff to make a distinction between the two situations at Ponte Vedra and Summerhaven. She said both situations were unique and there might be some beaches that they chose not to defend.

(9:47 a.m.) **Motion carried 5/0.**

(9:47 a.m.) Wanchick announced that Item No. 7 was to be pulled.

(12/11/07 - 8 - 9:47 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE CONSTRUCTION OF CR2209 (NORTH/SOUTH CORRIDOR) AND MOTION TO APPROVE A TRANSFER IN THE AMOUNT OF \$1,776,350 FROM IMPACT FEES ROADS ZONE A CAPITAL OUTLAY RESERVES (1186-59927) TO IMPACT FEES ROADS ZONE A LAND (1185-56100-5048-56100)

Mary Ann Blount, Land Management Director, gave the presentation. She said it was the first of seven parcels needed for the construction of CR 2209 for the segment just south of SR 16. She said funding had been identified in Zone A Road Impact Fees but required the approval of a transfer for part of the funding.

(9:49 a.m.) Stevenson asked to verify that there was no conflict with the acquisition of the more southerly piece with the acquisition that they needed for the pieces to the north including the connection piece from CR 2209 to the 9B extension and the piece that had been blocking the realignment of Racetrack Rd. She asked if the money for it competed with those acquisitions. Blount said there were different pots of money for those acquisitions. Stevenson asked if there was adequate funding to carry out the other key acquisitions and that one as well. Locklear said there was. She asked what the importance of the acquisition was. Locklear said it was a part of the variance agreement with DOT. Stevenson said she wanted to be sure that it would not compete. Locklear said that it did not compete.

(9:50 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0 to adopt Resolution No. 2007-400, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement for property needed for the construction of CR 2209 (North/South Corridor) and Motion by Rich, seconded by Sanchez, carried 5/0, to approve a transfer in the amount of \$1,776,350 from Impact Fees Roads Zone A Capital Outlay Reserves (1186-59927) to Impact Fees Roads Zone A Land (1185-56100-5048-56100).**

#### RESOLUTION NO. 2007-400

A RESOLUTION BY 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 CONSTRUCTION OF CR 2209  
(NORTH/SOUTH CORRIDOR)**

(12/11/07 - 9 - 9:51 a.m.)

5. ECONOMIC DEVELOPMENT BUSINESS INCENTIVE PROGRAM  
WORKSHOP

Karen Johnson, Intergovernmental Relations Specialist, gave a presentation of the Business Incentive Program and the proposed changes that were being recommended including deleting the "Speculative Space Category" and adding a "Build to Suit" for new business and industry.

(9:53 a.m.) Stevenson attempted to clarify by giving some history, and said with the old ordinance if someone paid their impact fee the County would be asked to refund it out of General Fund dollars. She said the problem was that the impact fee did not all go into the General Fund. Johnson said that was correct. Stevenson said the impact fee relief never applied to schools and it caused a mismatch, as money would come into three different pots and then all be called out of the General Fund and it caused budgeting problems. She said the Board changed it so that the impact fee money came in and any refunds or relief would come out of their Annual General County portion of their tax revenue. She said the impact fee relief for certain employers became an interest free loan to the County that was partially relieved through the incentives. She noted there had been a real outcry from the business community when that occurred because they had significantly raised the impact fees, which had been neglected for a long time.

(9:56 a.m.) Johnson explained that they made a change last year in calculating the ad Valorem taxes and the new taxes were generated on the capital improvements only. She further explained the changes being proposed that day.

(9:57 a.m.) Nick Sacia, 1 Riberia St., Chamber of Commerce, in response to a question from Manuel, said they had funded a study a year ago with the IDA and they were approximately 70 percent through the study, and it should be wrapped up by the end of February. Manuel said he would like to see the study before they implemented any changes.

(9:58 a.m.) Rich said he would support any incentive program which dovetailed what the State was doing which was keyed to jobs rather than space. He recommended no further public hearings until the study was completed.

(10:00 a.m.) General discussion ensued regarding land values, high impact fees, targeted industries, incentives, business investment strategies, underdeveloped land, CRA inclusion and the need to wait for the results of the study. The possibility of hosting a future workshop on the matter was also mentioned.

(10:08 a.m.) Jim Wheeler, 4240 Leaping Deer Lane, St. Johns County, encouraged the Commission to move forward and look at a broader collaborative effort. He said there was a lack of connectivity between what the government side was seeing and what the business side was seeing. He said they were not moving forward as rapidly as they should be. He asked them to look at forming some kind of public private group once the study was out so they could come up with some concrete efforts to get them out of the hole and to get the commercial tax base improved. He said they had to work together.

(10:12 a.m.) Rich said, as the Board's representative to the Industrial Development Authority, the movement of the group was towards an independent taxing authority,

and he said he was not in favor of that. Wheeler responded that he supported what he had just said; they were very disjointed in their efforts to work on the problem. He said they should be working on it collectively rather than independently.

(10:14 a.m.) Bryant said he hoped they didn't get into a panic mode. He said they had two existing DRIs in progress and he said he thought they understood the situation. He said there were some good things on the horizon for an IC district in the county on their FLUM. He said they were just beginning to see the fruits of their labors with commercial development.

(10:16 a.m.) Johnson said the Board had the last say on the application and they did not have to grant them incentives just because they qualified and had made application.

(10:17 am.) Sacia said incentives were an investment into the community even though some people didn't like them. Manuel said the County had to look at it from the perspective of the return on its investment. No public hearing was scheduled.

(12/11/07 - 10 - 10:19 a.m.)

6. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR MOSE PROPERTY - THE APPLICANTS SEEK A WAIVER TO SECTIONS 4.01.10.B, C AND D OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE 750 FOOT PRIMARY ZONE OF BALD EAGLE NEST SJ-010. THE WAIVER IS REQUESTED IN ORDER TO MOVE AN EXISTING HOME AND SEPTIC SYSTEM TO ANOTHER LOCATION ON THE PROPERTY AND TO CONSTRUCT A NEW SINGLE FAMILY HOME AND SEPTIC SYSTEM ON THE PROPERTY AND TO AUTHORIZE ALL CUSTOMARY ACCESSORY ACTIVITIES THAT ARE OR WILL BE ASSOCIATED WITH A SINGLE FAMILY PROPERTY AS PROVIDED FOR IN THE LAND DEVELOPMENT CODE AND MAY INCLUDE A DOCK, WALKWAYS, AND SHEDS. ALSO, THE WAIVER REQUEST IS TO ALSO ALLOW CONSTRUCTION OF THESE ACTIVITIES DURING THE NESTING SEASON WHICH IS FROM OCTOBER 1ST TO MAY 15TH WITH APPROVED MONITORING OF THE BALD EAGLES

Proof of publication of the notice of public hearing on the waiver of bald eagle nest SJ-101 Mose Property, 4708 SR 13 North, was received having been published in *The St. Augustine Record* on November 26, 2007.

Jan Brewer, Environmental Manager, gave the presentation. She asked them to approve the waiver with a bald eagle monitor to be hired.

**(10:20 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to approve the waiver to Sections 4.01.10 B, C, and D of the Land Development Code, based on the information provided today and providing the nest shall be monitored by a bald eagle monitor during construction.**

(10:21 a.m.) McCormack asked the Board members to sign the Certificate of Public Meetings.

The Board recessed at 10:22 a.m. and was reconvened at 10:30 a.m.

(12/11/07 - 11 - 9:47 a.m.) *This item was pulled.*

7. PUBLIC HEARING - REZ 2007-17 207, COMMERCIAL CENTER

(12/11/07 - 11 - 10:30 a.m.)

8. PUBLIC HEARING - PNZVAR 2006-12, FRESH MARKET SIGN VARIANCE - THIS REQUEST SEEKS APPROVAL OF A NON-ZONING VARIANCE REGARDING TWO (2) OF THE OVERLAY STANDARDS, SPECIFICALLY THE FOLLOWING SECTIONS: SECTION 3.06.09.C.2 AND C.3 - IN ORDER TO ALLOW A 36 SQUARE FOOT WALL SIGN INSTEAD OF THE MAXIMUM SIZE OF 24 SQUARE FEET. THE CODE CITED IN BOLD ONLY ALLOW WALL SIGNS TO A MAXIMUM 24 SQUARE FEET IN SIZE WITHIN THE PONTE VEDRA / PALM VALLEY OVERLAY DISTRICT FOR BUILDINGS WITH SINGLE AND MULTIPLE TENANTS. THIS ITEM WAS PLACED ON THE JUNE 27, 2007 PONTE VEDRA ARC AGENDA FOR THEIR RECOMMENDATION. AT THAT MEETING, A SUPRA MAJORITY DECIDED THEY DID NOT WANT TO SEE WALL SIGNAGE GREATER THAN 24 SQUARE FEET IN SIZE. THIS IS RECORDED ON TAPED MINUTES OF THE MEETING. AT THE AUGUST 7, 2007 MEETING OF THE BCC, THE COMMISSIONERS SENT THIS ITEM BACK TO THE ARC. THE APPLICANT REDUCED THE SQUARE FOOTAGE OF THE WALL SIGN FROM 47 SQUARE FEET TO 36 SQUARE FEET IN SIZE, PER STAFF SUGGESTION AS AN ALTERNATIVE TO PRESENT TO THE ARCHITECTURAL REVIEW COMMITTEE (ARC). THIS ITEM WENT BEFORE THE ARC ON OCTOBER 24, 2007. AT THAT MEETING ONLY FOUR ARC MEMBERS WERE PRESENT. THE COMMITTEE TOOK INDIVIDUAL OPINIONS OF THE 36 SQUARE FOOT WALL AND TWO WERE FOR ALLOWING THE ENLARGEMENT OF THE SIGNAGE AND TWO WERE AGAINST ENLARGING THE SIGNAGE. THIS IS RECORDED ON TAPED MINUTES OF THE MEETING

Proof of publication of the notice of public hearing on PNZV 2006-12, Fresh Market, was received having been published in *The St. Augustine Record* on November 26, 2007.

(10:30 a.m.) Paul Harden, 1301 Riverplace Blvd., Jacksonville, gave a background of why they were making the request, including their revisiting the item with the Ponte Vedra ARC in order to work out a compromise. He said they proposed a compromise to go from 47 to 36 feet and there was a general consensus in support of that. He said they met four of the five criteria that needed to meet, and the fourth was to meet the criteria for practical difficulty. He said they believed the lack of visibility from A1A was the practical difficulty. He said there was no visibility of the small sign from the north, and secondly the esthetics was also incompatible as the sign was out of scale. He suggested there were only three anchor tenants who all had their signs in place.

(10:34 a.m.) Haga said that with regard to the ARC action, there was no unanimous vote, but a mixed consensus, regarding the sign.

(10:35 a.m.) Rich asked if staff decision for non-approval was still pertinent. Haga said that was correct due to the fact that it did not meet the practical difficulty of the five necessary criteria. She said additionally it was a 2/2 split vote. Rich said he could not support it.

(10:36 a.m.) Stevenson commented on an inconsistency in the staff comments. Haga said they did not agree that there was a practical difficulty. She said even if the sign was changed, it would still not be visible from the road because of the existing buffering and landscaping requirements. Stevenson asked about the possibility of directional signage. Haga said there were provisions for that but restrictions applied.

(10:39 a.m.) Harden commented on the discussion at the end of the meeting. He said, they had previously requested directional signage, but it had to be withdrawn due to a PUD in the location and the objection of another tenant. He said the requested 36 foot sign was their only option. He said at 24 square feet it just couldn't be read from the north side of A1A. He said because Fresh Market was in a hurry to move in, they were trying to seek a compromise and the ARC understood that.

(10:44 a.m.) Bryant said he had been a former business owner that depended on signage. He said the signage was not obtrusive to the community and would be helpful to the people who were looking for the business and he would support the issue.

(10:45 a.m.) Rich asked if the ARC was discussing changing the actual overlay standard as opposed to changing the sign. Harden said that was correct, and they had actually set it as a workshop issue for addressing the overlay for anchor stores. Rich expressed concern that the Board would be burdened with approving something that was not within the overlay standards. Haga said she had a different take on the matter regarding being an anchor. She said the discussion on the split vote was specific to the current matter of the signage. Rich said it was an ARC issue and ARC should be addressing it and changing their standards rather than having the Board take on the process. Rich said he had to support staff and the ARC.

(10:51 a.m.) Sanchez questioned that the bank had purchased the property where the bank was allowed. Harden said it was, and that they had tried to work out joint signage but had been unsuccessful.

(10:53 a.m.) Whitehouse said they needed to look at the factors in this case. He said they voted on whether there was a practical difficulty or not. He suggested it would be fair to give them a vote at this time.

**(10:54 a.m.) Motion by Bryant, seconded by Stevenson, carried 4/1 with Rich dissenting, to approve PNZVAR 2006-12, making findings of fact one through six to support the motion.**

(12/11/07 - 12 - 10:55 a.m.)

9. PUBLIC HEARING - REZ 2007-28 HOLIDAY INN EXPRESS - THIS IS A REQUEST TO REZONE APPROXIMATELY 8.54 ACRES FROM OPEN RURAL (OR) AND COMMERCIAL HIGHWAY TOURIST (CHT) W/CONDITIONS TO COMMERCIAL HIGHWAY TOURIST FOR THE CONSTRUCTION OF A NEW HOTEL. CONDITIONAL ORDINANCE 90-29 PLACED SEVEN CONDITIONS ON THE PROPERTY HIGHLIGHTED BY A MAXIMUM BUILDING HEIGHT OF 35 FEET. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF SR 16, JUST EAST OF I-95. A PORTION OF THE PROPERTY IS CURRENTLY OCCUPIED BY A HOLIDAY INN EXPRESS. THE PARCEL IS LOCATED WITHIN MIXED USE LAND USE AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE SURROUNDING PROPERTIES ARE ZONED OPEN RURAL (OR), COMMERCIAL HIGHWAY TOURIST (CHT), COMMERCIAL HIGHWAY TOURIST (CHT) WITH CONDITIONS, PLANNED UNIT DEVELOPMENT (PUD) AND INDUSTRIAL WAREHOUSE (IW). CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THE OCTOBER 18, 2007 MEETING BY A VOTE OF 6/0 (MOTION BY LAIDLAW SECOND BY HANSON)

Proof of publication of the notice of public hearing on REZ 2007-28, Holiday Inn, was received having been published in *The St. Augustine Record* on November 26, 2007.

Karen Taylor, 77 Saragossa St., gave the presentation. She reviewed the site on the overhead projector and explained the request which asked to change a portion of the conditions. She said it was a mixed use area and was compatible to the area.

(10:57 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to enact Ordinance 2007-89, known as REZ 2007-28, Holiday Inn Express, adopting findings of fact one through four to support the motion.**

#### ORDINANCE NO. 2007-89

**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 HIGHWAY TOURIST (CHT) WITH CONDITIONS TO COMMERCIAL HIGHWAY TOURIST (CHT); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(12/11/07 - 13 - 10:58 a.m.)

10. PUBLIC HEARING - REZ 2006-30, PANTHEON PROFESSIONAL PARK - THIS IS A REQUEST TO REZONE 2.69 ACRES FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP). THE PROPERTY IS LOCATED WEST OF OLD MOULTRIE ROAD, NORTH OF THE INTERSECTION WITH LEWIS POINT. THE PROPERTY IS DESIGNATED MIXED USE ON THE FUTURE LAND USE MAP. MIXED USE PROVIDES FOR ALL USE CATEGORIES EXCEPT FOR HEAVY INDUSTRIAL. THE PROPERTY ABUTS A RESIDENTIAL PUD (HIDEAWAY AT OLD MOULTRIE) TO THE WEST. TO THE NORTH, THE PROPERTY IMMEDIATELY ABUTS PROPERTY ZONED COMMERCIAL NEIGHBORHOOD (CN). EAST OF OLD MOULTRIE, PROPERTY IS DESIGNATED OFFICE PROFESSIONAL (OP) AND OPEN RURAL (OR). IMMEDIATELY SOUTH OF THE SITE PROPERTY IS DESIGNATED OFFICE PROFESSIONAL (OP). OFFICE PROFESSIONAL ZONING ALLOWS CULTURAL/INSTITUTIONAL, OFFICE & PROFESSIONAL, AND NEIGHBORHOOD PUBLIC SERVICE USES. ALLOWABLE HEIGHT IS 40 FEET WITH PROVISIONS TO INCREASE AN ADDITIONAL 20 FEET PROVIDING ADDITIONAL SETBACKS ARE MET. THE SITE IS SERVED BY ST. JOHNS COUNTY UTILITIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR OCTOBER 18, 2007 HEARING BY A VOTE OF 5/1 (OGELSBY/HANSON). DISCUSSION DURING THE HEARING QUESTIONED SPECULATIVE ZONING REQUESTS, FOR SALE PROPERTIES AND HEIGHT IN THE AREA

Proof of publication of the notice of public hearing on REZ 2006-30, Pantheon Professional Park, was received having been published in *The St. Augustine Record* on November 26, 2007.

Karen Taylor, 77 Saragossa St., gave the presentation and reviewed the rezoning request. She commented on the wetlands and noted that mitigation property had been purchased to replace that. She said they were asking for up to 20,000 square feet.

(11:00 a.m.) Rich asked about transportation currency on Old Moultrie and noted it was a very busy road.

(11:01 a.m.) Bill Hartman, Transportation Planner, said it was a minor project and it did not impact any facility. He said there was a section of Old Moultrie that did not meet standards. He noted a decision had been granted to make it a three lane road. He said concurrency was available on the southern section but it was deficient on the northern segment. He said this project did meet concurrency.

(11:04 a.m.) Stevenson said this parcel was almost all wetlands and was important for cleansing water. Taylor said the wetland system really did not exist any more due to development in the past. She noted property had been purchased for mitigation at another location to compensate for it. General discussion ensued. There was discussion on the height limitation, which was 40 feet. Taylor said it was a straight zoning and would meet all standards. She said the PUDs mirrored the code.

**(11:09 a.m.) Motion by Rich, seconded by Sanchez, carried 5/0, to enact Ordinance 2007-90, known as REZ 2006-30, Pantheon Office, adopting findings of fact one through three to support the motion.**

#### **ORDINANCE NO. 2007-90**

#### **AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL TO OFFICE PROFESSIONAL (OP) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(12/11/07 - 14 - 11:10 a.m.)

11. PUBLIC HEARING - PUD 2007-06, 7TH STREET SPECIALTY SHOP - THIS IS A REQUEST TO REZONE 1.19 ACRES FROM RS-3 TO PLANNED UNIT DEVELOPMENT IN ORDER TO CONSTRUCT APPROXIMATELY 11,000 SQUARE FEET OF SPECIALTY RETAIL AND OFFICE PROFESSIONAL USES. THE SITE IS LOCATED ON THE NORTH SIDE OF SR16, NORTH OF ROYAL ST. AUGUSTINE BETWEEN 6TH AND 7TH STREETS. THE PROPERTY IS DESIGNATED RESIDENTIAL C WHICH PROVIDES NEIGHBORHOOD AND COMMUNITY COMMERCIAL USES BY APPLICATION THROUGH A PLANNED UNIT DEVELOPMENT. THE PUD INCLUDES USES PERMITTED UNDER SECTION 2.02.01 OFFICE & PROFESSIONAL SERVICES AND THE NEIGHBORHOOD BUSINESS & COMMERCIAL USE CATEGORIES. THE SPECIFIC USES DO NOT INCLUDE ALL USES PROVIDED BY THE LAND DEVELOPMENT CODE. THE PUD TEXT PROVIDES FOR A MAXIMUM HEIGHT OF THIRTY-FIVE (35) FEET. THE SITE WILL BE SERVED BY CENTRAL WATER AND SEWER FROM THE CITY OF ST. AUGUSTINE. THE SITE INCLUDES 25% OPEN SPACE (0.30 ACRES) CONSISTING OF THE PERIMETER BUFFER AND OTHER OPEN SPACES ON SITE. A TEN (10) FOOT NATURAL/AUGMENTED BUFFER ALONG THE SOUTH, EAST AND WEST PROPERTY LINES. A TWENTY (20) FOOT LANDSCAPE AREA ALONG THE NORTH PROPERTY LINE IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THE OCTOBER 4, 2007 HEARING BY A VOTE OF 4/2 (WILES/HANSON, OGELSBY & LAIDLAW DISSENTING) INCLUDING AN EIGHTH (8) FINDING OF FACT TO LIMIT BUILDING HEIGHT TO 35' INCLUDING TOWERS, CUPOLAS, AND THE LIKE. DISCUSSION DURING THE HEARING

QUESTIONED THE LOCATION OF THE PROPOSED DUMPSTER SITE AND CAPACITY TO SUPPORT THE PROPOSED USES

Proof of publication of the notice of public hearing on PUD 2007-06, 7<sup>th</sup> Street Specialty Shop, was received having been published in *The St. Augustine Record* on November 26, 2007.

Rob Matthews, Matthews Design Group, 7 Waldo St., stated they would like to rezone the property to a PUD for commercial development. He said same or similar uses were already in the neighborhood. He said the PZB had given their approval after dealing with their concern regarding height. He reviewed the site plan.

(11:13 a.m.) Rich asked where dumpsters were located and Matthews pointed them out. Rich asked staff regarding the 4/2 vote by PZA with Oglesby and Laidlaw dissenting. Haga explained the reasons for their dissent. Rich said trash pickup was his concern as well. Matthews said that garbage could not be picked up prior to 6:00 a.m. and after 9:00 p.m. He said it was done in response to the dissenting vote. He said they had reduced the height to 35 feet also to meet the PZA concerns. There was discussion regarding lighting and mitigation of the impacts on it upon the residents in the area.

**(11:19 a.m.) Motion by Stevenson, seconded by Rich, carried 5/0, to enact Ordinance 2007-91, known as PUD 2007-06, 7<sup>th</sup> Street Specialty Shops PUD, adopting findings of fact one through eight to support the motion, and to approve the waivers for setback and height limitation to 35 feet.**

**ORDINANCE NO. 2007-91**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL SINGLE FAMILY-3 (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(12/11/07 - 15 - 11:20 a.m.)

12. PUBLIC HEARING - DEVAGRMOD 2007-01 207 CORRIDOR IMPROVEMENT GROUP - ON NOVEMBER 14, 2006, THE BOARD OF COUNTY COMMISSIONERS APPROVED THE SR 207 CORRIDOR IMPROVEMENT GROUP (CIG) DEVELOPMENT AND IMPACT FEE CREDIT AGREEMENT (DEVAGREE 2006-12), WHICH INCLUDED FOURTEEN MEMBERS COLLECTIVELY FUNDING ROADWAY IMPROVEMENTS NECESSARY TO ADDRESS THE CAPACITY DEFICIENCIES IDENTIFIED IN THE CONCURRENCY REVIEWS FOR THE FOURTEEN (14) PROJECTS THAT ARE MEMBERS OF THE CORPORATION. THE APPROVED AGREEMENT SERVES AS THE CIG DEVELOPERS' COMMITMENT TO BUILD AND/OR FUND THE TRANSPORTATION FACILITIES NECESSARY TO SERVE THE IMPACTS OF THE PROPOSED CONCURRENCY DEVELOPMENT AS SUMMARIZED ON EXHIBIT "F" OF THE AGREEMENT, SPECIFICALLY IMPROVEMENTS THAT PROVIDE ADEQUATE ROADWAY CAPACITY AND INTERSECTION OPERATING CAPACITY IN THE OVERALL STUDY AREA IN ORDER TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS. THE PROPOSED ROADWAY AND INTERSECTION IMPROVEMENTS ARE LISTED ON EXHIBIT "G", AND GENERALLY

DEPICTED ON EXHIBIT "I" OF THE AGREEMENT. THE IMPROVEMENTS INCLUDE DEVELOPER CONSTRUCTED IMPROVEMENTS AT THE INTERSECTION OF US 1/SR 312 AND PAYMENTS TO THE COUNTY FOR THE CONSTRUCTION OF NINE OTHER IMPROVEMENTS IDENTIFIED IN THE AGREEMENT. THE PAYMENT AMOUNTS ARE SUMMARIZED IN EXHIBIT "J" OF THE AGREEMENT. THE APPROVED AGREEMENT IS ATTACHED. THE PLANNING AND ZONING AGENCY REVIEWED THE PROPOSED MODIFICATION ON NOVEMBER 15, 2007 AND RECOMMENDED APPROVAL (7-0) OF THE PROPOSED MODIFICATION, AS REVISED TO ADDRESS OUTSTANDING STAFF COMMENTS. STAFF SUPPORTS THE PROPOSED MODIFICATION AS REVISED AND REVIEWED BY THE PZA ON NOVEMBER 15, 2007

Proof of publication of the notice of public hearing on proposed development agreement modification between SR 207 Corridor Improvement Group, LLC (CIG Developers) and St. Johns County, was received having been published in *The St. Augustine Record* on October 30, 2007.

Doug Burnett, 170 Malaga St., gave the presentation. Bill Schilling, Traffic Engineer, and Phil Mays and Dan Butler, members of the board, were also present. He said they were there to ask for an extension to the Development Agreement. He said there were two requirements of the Development Agreement approved by the Commission a year ago, and one portion of that was to construct improvements at US 1 and Hwy 312. He said funding had been secured and bonded for \$1.6 million. He said the survey work and geotechnical work for the intersection was being done and money was in a trust account for those improvements. He said the request was to extend the time period where each of the 14 developers would have an additional year to pay their money. He said there would be additional requirements if they delayed the payment date. He gave a history of the project and reviewed the Development Agreement Modification. He explained the 5% premium which was to be paid to the County for waiting an additional year. He said a revised cost estimate would be submitted at the end of the year and if there was a cost increase, anyone who waited a year would also pay on top of the 5%, a percentage equal to the amount that cost actually went up by the cost estimates. He noted the PZA had given a 7/0 vote to recommend approval of the amendment to the BCC.

(11:27 a.m.) Rich asked about the 5% premium on the extension fee and what it was 5% of. Burnett said it was on the items on Exhibit J to the Development Agreement, the total amounts to be paid by all 14 developers. Rich asked when the 5% would be paid along with the cost.

(11:29 a.m.) Manuel said he expected the 5% extension fee to be paid up front and not in arrears. He said it was payable upon the date that the extension started and not in arrears. He disclosed ex-parte with some members of their group regarding the extension. He said the fee was paid at the time the extension was granted, otherwise there was no extension.

(11:32 a.m.) Burnett suggested a solution to the problem of January 31. Manuel said he wanted payment on January 11, 2008, the first day of the extension. If not they performed by the January 10<sup>th</sup>. Manuel said this would determine who the real players were, and some of the developers weren't going to survive this round.

(11:34 a.m.) Stevenson disclosed ex parte. She asked staff if this agreement was better than have the project come in piece by piece. Bill Hartmann, Transportation Planning Manager, said it was a negotiation to ask for the premium, and staff supported it as it



was presently worded. Stevenson asked when the 5% was to be paid. Hartmann said it would be paid when they came in for construction plan approval or not later than January 10, 2009. Stevenson clarified that what Rich and Manuel were proposing was that the commitment date be moved up a year. Hartmann said it was not for the entire amount but for the extension fee. There was discussion on concurrency and the fact that some people attained it but might or might not use it.

(11:37 a.m.) Burnett said he had a majority of the board there and they were willing to meet that condition. He said it would net them approximately \$700,000 which would give the County some design and permitting money.

(11:37 a.m.) Whitehouse said they needed to add the words "non-refundable extension fee," and they might want to add some language as to what the money could be spent on. Manuel said he wanted the County to have discretion. Whitehouse suggested they added "to be spent on transportation needs as determined by the County Administrator." Additionally on (i) in the extension agreement they would add "by January 11, 2008".

(11:41 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to approve the public hearing held before the Planning and Zoning Agency on November 15, 2007 as the first of two required public hearings for DEVAGRMOD 2007-01, a modification to the SR 207 Corridor Improvement Group Development and Impact Fee Agreement, dated November 14, 2006.**

(11:42 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to approve DEVAGRMOD 2007-01, a modification to the SR 207 Corridor Improvement Group Development and Impact Fee Agreement, dated November 14, 2006, as amended by the County Attorney.**

(12/11/07 - 17 - 11:42 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Rich:

Rich asked staff to look into the impact on and care and rehabilitation of wildlife in St. Johns County, and asked them to come back with an outline of the problem financially and otherwise and with some possible solution alternatives to the problems. He spoke regarding the HAWKE group as well as independent veterinarians who donated services but it was becoming an increasing problem. *The Board granted consensus.* He also asked the Board for consensus to work with staff and the attorney's group on preparing a revised tree ordinance to bring back before the Board within the next 60 to 90 days. *Consensus was granted.*

(11:45 a.m.)

Commissioner Sanchez:

Sanchez asked for consensus of the Board regarding the location of the new EOC building and indicated it was a hardship on the Usina family at that time. He asked them to move forward to set restrictions on the use of the property for agricultural purposes only and that the restrictions be enforced, and to rename the agricultural center "Charles Usina Agricultural Center" as a gesture of apology for the trouble caused to them. He said he would like to put an end to the issue as it was upsetting to the family.

(11:48 a.m.) Rich attempted to clarify his request. Sanchez said he was asked that the land be used only for agricultural purposes. Rich said he had questions of staff as to reasonable alternatives as to what presently exists. He said he would support him on

the issue, but wanted to do it with eyes wide open as to the residual effects. He said they were running on a short time leash as far as grant monies were concerned. Sanchez said the families concern was that it be used for agricultural use. He said they needed to put it to rest. Rich asked if he would agree to consult with staff to know what their alternatives were in order to prepare for the issue, and to have something written up to vote on at a future meeting. Sanchez said it was a request to go on the agenda. Rich asked Wanchick the status. Wanchick said they were evaluating the Mosquito Control land adjacent to it, and they were awaiting a vote of that board. He said another site along SR 16 was being looked at as well and they should be able to return with more information within the next couple of weeks.

(11:54 a.m.) Bryant asked if there was a resolution that protected the land which stated it could be used only for agricultural uses. McCormack said there was a resolution made at the time the land was given to the County, but it was his legal opinion that the land could be used for another use. He said the deed had a condition which was met. He said the Board had to determine the right and equitable answer. Bryant asked them to investigate it and to investigate the legal requirements for naming the building for a living person. He agreed they should move forward as quickly as possibly to determine the other two sites.

(11:55 a.m.) Stevenson said there were some complications in the proposal. She said one was who would hold the property. She said there were some who didn't want the property to be held by IFIS. She said it was a valuable piece of property and might be used to generate income in perpetuity. She said the message to them was to look at the fiscal stewardship of the property and the obligations which came when they accepted the gift. She said they were also committed to building an EOC in a prime location. She agreed they should close the issue out but that it was complicated. Sanchez suggested that the property stay in the county's name. She said that whatever the County did could be undone. She said they lived in a County where a man's word was his bond and it meant something more to the people who had lived here for a long time. Sanchez said the Usina family did not need anyone else visiting them and all correspondence should go to their attorney. He said Mrs. Usina was very upset.

(12:00 p.m.) Sanchez said he had another item regarding public comment. He asked if they should allow public comment without commissioner comments and that commissioners should talk with the speakers after the meeting. He said this would allow the meeting to move along more rapidly.

(12:01 p.m.)

Commissioner Stevenson:

Stevenson said she had attended the Legislative Committee on Intergovernmental Relations meeting and they discussed unfunded mandates and it excluded anything regarding crimes. She said there were so many exemptions from what they considered unfunded mandates. She said they could do a thousand little things that added up to a significant amount of money and it was death by a thousand cuts. She said the TBRC, the tax reform commission, which made recommendations to improve the unfunded mandate rules. She said the legislators needed to understand what they were doing to local governments when they made those decisions. She said the cuts they made during the last session would be important and they needed to understand how it would affect the health, safety and welfare of those individuals affected by local government.

(12:04 a.m.) Rich said he was appalled that they had to enlighten people in Tallahassee. He asked if they even cared.

(12:05 p.m.) Stevenson said an unfunded mandate, if found to be a mandate, would be sent back to a legislative body for funding or would become a recommendation instead of a mandate. She said a solid curative measure was provided to keep governments out of court. She said it was better to work together to solve the issues.

She said the second issue was tax reform and they needed to be prepared to educate the citizens of St. Johns County as to the implications that would follow. She said the third thing was the DEP's comments on what the Governor was doing on the water issues with Georgia. She said it was analogous to the local challenge with the St. Johns River and the issue of withdrawals from it by central Florida. She said they should add to their draft that the issue with the St. Johns River is analogous with the Georgia issue. She said they could get a good ally with the governor. She said they were significant long term issues. She asked that they consider it along those lines and that they should act on it in January.

(12:10 a.m.) She proposed that they get the odd/even watering ordinance for 2 times a week watering. She said the St. Johns River Water Management District had a proposal to limit watering to twice a week with an odd/even plan and she asked the County Administrator and the Board to look at it and to develop an Ordinance. She noted they were also working on making WaterStar a baseline for new development and staff was working on it. She said it would strengthen their position for water conservation in St. Johns County.

(12:12 p.m.) Sanchez reviewed the issues and the possibility of a battle over withdrawal from the river. He said conservation plans should be in force by the various counties before any water was taken from the river. He said they were currently doing very little to conserve water and now wanted to take it from the river.

(12:13 p.m.) Rich asked staff to be careful on the odd/even issue as many timers were unable to be programmed in such a manner.

(12:13 p.m.) Wanchick suggested they allow staff to return with a presentation on the issue Rich had mentioned and said it was much more complicated than it initially appeared and needed to be carefully thought out. Stevenson said there was a draft ordinance that JEA had been using for some time. Wanchick said there also needed to be some sort of funding for enforcement. Stevenson noted that if they were going to take a strong stand on the river issue, they needed to get their own house in order.

(12:16 p.m.)

Commissioner Bryant:

He requested the Board to stay apprised of the South Ponte Vedra erosion area, as they were going to have to make some quick decisions because the DEP was moving fast.

(12:16 p.m.)

Commissioner Manuel:

He congratulated Dr. Joyner as being selected the Superintendent of the Year and a letter of congratulations should be prepared from the Administrator and the Board.

He said there was also a transportation plan map on the easel and it was a current plan for roads within the region including the outer beltway. He encouraged everyone to look at the map and to offer comments on it. He said he would like to set a Prioritization Workshop sometime in January in preparation for the property tax reform. He said they needed to plan for what they would do in the event it was passed.

He said at the Regional Planning Council there was discussion regarding school concurrency (CIP), which needed to be included in the CIE and he needed to talk with staff about that.

(12:18 p.m.) Sanchez said he was on the Canvassing Board for the Supervisor of Elections and he would not be able to have an input.

(12/11/07 - 20 - 12:19 a.m.)  
COUNTY ADMINISTRATOR'S REPORT

No report.

(12/11/07 - 20 - 12:19 p.m.)  
COUNTY ATTORNEY'S REPORT

McCormack said there would be a special meeting on December 18 and they would have to work something into the schedule for the signing of the ICU acquisition.

(12:19 a.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 12:19 p.m.

REPORTS:


1. St. Johns County Board of County Commissioners Check Register, Check Number 411529 through 411732, totaling \$1,903,833.45 (11/20/07)
2. St. Johns County Board of County Commissioners Check Register, Check Number 411733 through 411767, totaling \$68,089.82 (11/21/07)
3. St. Johns County Board of County Commissioners Check Register, Check Number 411768 through 412102, totaling \$1,180,461.41 (11/27/07)

CORRESPONDENCE:

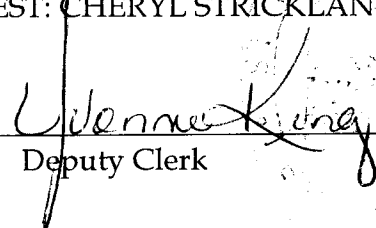
1. Letter dated November 30, 2007, to Liz Cloud, Program Administrator, Bureau of Administrative Code and Weekly, filing St. Johns County Ordinance Number 2007-88

Approved February 5, 2008

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk