

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 4, 2008
(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
 Terry Bulla, Deputy Clerk

(03/04/08 - 1 - 8:58 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(03/04/08 - 1 - 8:59 a.m.)
ROLL CALL

Manuel stated that all five commissioners were present with Stevenson arriving shortly after roll call.

(03/04/08 - 1 - 9:00 a.m.)

Bryant gave the Invocation and Manuel led the Pledge of Allegiance.

(03/04/08 - 1 - 9:00 a.m.)
PROCLAMATION DESIGNATING MARCH 2008 AS ARCHAEOLOGY MONTH

Bryant reviewed a history of St. Johns County and read the proclamation to Don Reese and Walter O'Kon of St. Johns County Historic Review Board, Sarah Miller from the Florida Public Archaeology Network and Director of the Northeast Regional Center, and Nick McAuliffe, President of the St. Augustine Archeological Center. The proclamation was received by McCauliff who presented posters of the Castillo de San Marcos to the Board to commemorate the history of the archeology of the County. He recognized Chris Newman, an archaeologist, who coordinated the poster project, and the artists, Wendy Tatter and Jody Marshall. He also recognized Nancy Sykes-Kline from the Review Board who had done a tremendous amount to support archeology and history in the area. Stevenson reported that she worked with the Historical Review Board which was working on some credible things for St. Augustine and the County to help the community keep the character of their neighborhoods.

(03/04/08 - 1 - 9:09 a.m.)
PROCLAMATION DESIGNATING MARCH 5, 2008 AS INTERNATIONAL WOMEN'S DAY

Stevenson introduced Marilyn Wiles, Debbie Gibbs, Nancy Sykes-Kline, Cathy Brown, Gina Burrell, Sandy Stokey, Stacey Stannis, Dr. Maria Colavito and other women leaders who were present and read the proclamation to honor International Women's Day and women in their many different rolls. Elena Temple of Enterprising Women's Leadership accepted the award on behalf of the women of the community, and said they would be hosting a dinner the following night at the Casa Monica to thank and honor women who did work under the radar with little acknowledgement. Brown noted that one woman could make a difference, and noted that we owed Dr. Marilyn Wiles a debt of gratitude for her hard work with EWLI and in the community.

(03/04/08 - 2 - 9:16 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Stevenson, seconded by Rich, carried 5/0, to accept the Proclamations.

(03/04/08 - 2 - 9:16 a.m.)

DELETIONS TO CONSENT AGENDA

Stevenson requested that Item 23 be added to the Regular Agenda as Item 16a so that the public would be aware of it.

(03/04/08 - 2 - 9:16 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
02/19/08 - BCC Regular Meeting
3. Sheriff Office Bonds:
Approve: Elizabeth Mickler
Cancel: Joseph Bennett Mary Marshall
4. Motion to adopt **Resolution No. 2008-48**, supporting the St. Johns River Alliance creation of a Specialty License Plate to support the Alliance and its mission

RESOLUTION NO. 2008-48

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION TO SUPPORT THE ST. JOHNS RIVER ALLIANCE CREATION OF A SPECIALTY LICENSE PLATE TO SUPPORT THE ALLIANCE AND ITS MISSION

5. Motion to adopt **Resolution No. 2008-49**, recognizing unanticipated revenue in the amount of \$9,807, increasing the revenue budget for Culture/Recreation State Grant [0001-33470] and appropriating to the Library State Aid Expenditures [0078-55206-1142-55204]

RESOLUTION NO. 2008-49

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 GENERAL FUND, IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY ST. JOHNS COUNTY LIBRARY SERVICES

6. Motion to adopt **Resolution No. 2008-50**, accepting the terms of the fifth 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. 2008-50

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

7. Motion to adopt **Resolution No. 2008-51**, approving the terms, conditions, and requirements of Amendment #19 to the Community Based Care Contract #DJ993 between St. Johns County, Florida and the State of Florida, Department of Children and Families, and authorizing the County Administrator to execute Contract Amendment #19 on behalf of the County

RESOLUTION NO. 2008-51

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

8. Motion to adopt **Resolution No. 2008-52**, approving the terms and authorizing the County Administrator, or designee, to execute and submit the Application for a \$481,100 EPA Special Appropriation Projects Grant that is earmarked for the College Park Drainage Improvements Project

RESOLUTION NO. 2008-52

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE AND SUBMIT AN APPLICATION FOR GRANT MONIES AVAILABLE FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR THE COLLEGE PARK DRAINAGE IMPROVEMENTS PROJECT, WHICH IS A CURRENTLY ACTIVE CIP FOR ST. JOHNS COUNTY

9. Motion to adopt **Resolution No. 2008-53**, approving the Assignment of the Old City Farmers Market Lease from Lynn Wettach to Brian del Rey and Carey del Rey

RESOLUTION NO. 2008-53

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND CONSENTING TO THE ASSIGNMENT AND CHANGE OF CONTROL OF THE OLD CITY FARMERS' MARKET LEASE AGREEMENT FROM LYNN WETTACH TO BRIAN DEL REY AND CAREY DEL REY

10. Motion to adopt **Resolution No. 2008-54**, accepting an Easement for Utilities for water and sewer services for the King & Bear Elementary School

RESOLUTION NO. 2008-54

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FROM THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, FOR WATER AND SEWER SERVICES FOR THE KING & BEAR ELEMENTARY SCHOOL

11. Motion to adopt **Resolution No. 2008-55**, accepting an Easement for Utilities for water and sewer service to Pacetti Bay Middle School

RESOLUTION NO. 2008-55

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FROM THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, FOR WATER AND SEWER SERVICES FOR THE PACETTI BAY MIDDLE SCHOOL

12. Motion to adopt **Resolution No. 2008-56**, approving the terms and conditions of a Purchase and Sale Agreement for acquisition of a parcel for construction of a lift station in connection with the sewer improvements in the St. Augustine Beach area

RESOLUTION NO. 2008-56

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A PURCHASE AND SALE AGREEMENT FOR ACQUISITION OF A PARCEL FOR CONSTRUCTION OF A LIFT STATION IN CONNECTION WITH THE SEWER IMPROVEMENTS IN THE ST. AUGUSTINE BEACH AREA AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION

**NECESSARY IN ORDER TO CLOSE AND COMPLETE
THE TRANSACTION IN ACCORDANCE WITH
SECTION 125.355, FLORIDA STATUTES**

13. Motion to adopt **Resolution No. 2008-57**, approving the terms and authorizing the County Administrator to execute a Contract for Sale and Purchase and Deposit Receipt for property needed for the Federal Point Road Bridge Replacement

RESOLUTION NO. 2008-57

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

14. Motion to adopt **Resolution No. 2008-58**, accepting a Deed of Dedication of right of way to accommodate installation of utilities for the construction of the CVS Drug Store on the corner of East Watson Road and US #1 South

RESOLUTION NO. 2008-58

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION OF RIGHT-OF-WAY TO ACCOMMODATE INSTALLATION OF UTILITIES FOR CONSTRUCTION OF THE CVS DRUG STORE ON THE CORNER OF EAST WATSON ROAD AND US #1 SOUTH

15. Motion to adopt **Resolution No. 2008-59**, accepting a deed of dedication of property for construction of a regional lift station site on State Road 16

RESOLUTION NO. 2008-59

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION OF PROPERTY FOR CONSTRUCTION OF A REGIONAL LIFT STATION ON STATE ROAD ROAD 16

16. Motion to adopt **Resolution No. 2008-60**, approving terms and authorizing the Chairman to execute a Conservation Easement over 2.06 acres of wetland and upland buffer off Landrum Lane to mitigate for wetland impacts associated with construction of the Community Center

RESOLUTION NO. 2008-60

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER 2.06 ACRES OF WETLAND AND

**UPLAND BUFFER OFF LANDRUM LANE TO MITIGATE
FOR WETLAND IMPACTS ASSOCIATED WITH
DEVELOPMENT OF THE COMMUNITY CENTER SITE**

17. Motion to adopt **Resolution No. 2008-61**, approving the terms of a License to Use/Hold Harmless Agreement between St. Johns County and Durbin Crossing Community Development District and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2008-61

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS OF A LICENSE TO
USE/HOLD HARMLESS AGREEMENT BETWEEN ST.
JOHNS COUNTY AND DURBIN CROSSING
COMMUNITY DEVELOPMENT DISTRICT AND
AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE THE AGREEMENT ON BEHALF OF THE
COUNTY**

18. Motion to authorize the County Administrator, or his designee, to enter into an agreement under Bid No. 08-64 with Ten-8 Equipment, Inc., Hagemeyer North America, Inc., Municipal Equipment Co., and Equipment Management Co. for the Purchase of misc. Fire Rescue Equipment for a term of one year
19. Motion to declare the attached list of items as surplus and authorize staff to dispose of same in accordance with Purchasing Policy 308 and Florida Statute 274
20. Motion to authorize the County Administrator, or his designee, to terminate the purchase agreement with American LaFrance, LLC and to purchase two 2008 Medtec Ambulances from Medtec Ambulance Corporation from the Florida Sheriff's Contract #07-07-0828 in the amount of \$406,502.00
21. Motion to authorize the County Administrator, or his designee, to negotiate with and if negotiations are successful then enter into a multi-year contract with Ticketmaster LLC for RFP 08-10A, Amphitheatre Computerized Ticket Sales & Promotion
22. Motion to amend Board of County Commissioners Rule 1.305(a) as attached, allowing compensation to Board members attending regional meetings and activities outside the County; and motion to authorize transfer of \$389.00 from General Fund Reserves 0083-59920 to account 0002-54003 District 4 Travel
23. Motion to adopt a resolution approving the terms, provisions, conditions, and requirements of a managed pharmacy benefit services agreement (*This item was moved to the Regular Agenda as Item # 16a.*) (*See page 21*)
24. Proofs:
- a. Proof, Notice to Bidders, RFP No. 08-90
 - b. Proof, Notice to Bidders, Bid No. 08-91
 - c. Proof, Notice to Bidders, Bid No. 08-87
 - d. Proof, Notice to Bidders, Bid No. 08-42
 - e. Proof, Certificate of Liability Insurance, Environmental Services, Inc.
 - f. Proof, Certificate of Liability Insurance, Ray T. Freiha Construction, Inc.

- g. Proof, Certificate of Liability Insurance, Frank Crum
- h. Proof, Certificate of Liability Insurance, Matrix Employee Leasing, Inc. (Certificate Holder – Commission)
- i. Proof, Certificate of Liability Insurance, Matrix Employee Leasing, Inc. (Certificate Holder – Solid Waste)

(03/04/08 - 7 - 9:18 a.m.)

PUBLIC COMMENT

Judge Charles Tinlin, said he was there on behalf of the Judges and he had discussed the issue with all the Constitutional Officers of the County as well as with County Attorney, Patrick McCormack. He reviewed the history of Judge Watson and said that the Judges had proposed renaming the Courthouse the Richard O. Watson Justice Center. He said they had learned that typically a person had to be deceased before such and honor was bestowed, but that exceptions had been made. He asked the Board to think about that and he would return at the appropriate time to make a formal motion to do so. He added that it was a secret. *There was Board consensus to move forward.*

(9:20 a.m.) Gina Burrell, 27 Seminole Dr., proposed making the Scrub Jay as the State bird of Florida. She read a proposed resolution. Rich said he would support the proposal and asked for Board consensus to ask the Administrator to prepare a resolution. *There was Board consensus to ask the County Administrator to prepare a resolution in support of naming the Scrub Jay as the State bird of Florida.*

(03/04/08 - 7 - 9:26 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

McCormack asked to have the Housing Finance Authority of SJC/Affordable Multi-Family Housing Project Memorandum of Understanding for Developer's CWHIP Application to be added as Item 16b. He also asked that an item pertaining to a Resolution Initiating Conflict Resolution procedures pertaining to a conflict with the St. Johns River Water Management District be added as Item 16c. He also noted that an item had been advertised pertaining to Cordova Palms and would not be heard that day and it would be rescheduled at a later date. It was noted that this item had been advertised on GTV as canceled.

(03/04/08 - 7 - 9:27 a.m.)

APPROVAL OF REGULAR AGENDA

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

(03/04/08 - 7 - 9:28 a.m.)

1. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE BY ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF TAX-EXEMPT OBLIGATIONS FOR THE ST. JOHNS COUNTY COUNCIL ON AGING, INC. IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,600,000

Geoff Dobson, 903 Orange St., Attorney for the Industrial Development Authority of SJC, gave the presentation and explained the proposed resolution. Bryant said he supported it, as it would enhance the quality of life of seniors in our county.

(9:30 a.m.) Motion by Bryant, seconded by Rich, carried 5/0, to adopt Resolution No. 2008-62 approving the issuance by St. Johns County Industrial Development

Authority of tax-exempt obligations for the St. Johns County Council on Aging, Inc., in an aggregate principal amount not to exceed \$3,600,000.

RESOLUTION NO. 2008-62

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS (ST. JOHNS COUNTY COUNCIL ON AGING, INC. PROJECT) BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY IN AN AGGREGATE AMOUNT NOT TO EXCEED \$3,600,000 TO PROVIDE ALL OR A PART OF THE FUNDS TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF SOCIAL SERVICE FACILITIES LOCATED IN ST. JOHNS COUNTY (THE "COUNTY"), TO BE OPERATED BY ST. JOHNS COUNTY COUNCIL ON AGING, INC.; AND PROVIDING AN EFFECTIVE DATE

(03/04/08 - 8 - 9:30 a.m.)

2. CONSIDER MOTION TO APPROVE THE USINA CORRECTIVE DEED OF GIFT TO ALLOW ONLY FOR AGRICULTURAL USES, ALONG WITH THE ALREADY CONSTRUCTED AGRICULTURAL CENTER AND WIND MITIGATION CENTER, ON THE PROPERTY ACCORDING TO THE ORIGINAL DEED OF GIFT RECORDED IN OFFICIAL RECORDS BOOK 615, PAGE 366, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, AS ORIGINALLY INTENDED BY CHARLES R. USINA AND GABYE LEE USINA

Sanchez gave the presentation and said it was to correct a past problem and to provide protection to keep it from happening again.

(9:31 a.m.) **Motion by Sanchez, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2008-63, accepting the Corrective Deed of Gift from Charles R. Usina and Gabye Lee Usina.**

RESOLUTION NO. 2008-63

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A CORRECTIVE DEED OF GIFT FOR PROPERTY DONATED TO ST. JOHNS COUNTY IN 1983, FROM CHARLES R. USINA AND GABYE LEE USINA, HIS WIFE, FOR USE BY ST. JOHNS COUNTY, FOR AGRICULTURAL USES, OR OTHER USES THAT SUPPORT THE AGRICULTURAL COMMUNITY IN ST. JOHNS COUNTY; PROVIDING FOR AN EFFECTIVE DATE

(03/04/08 - 8 - 9:32 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION RENAMING THE COUNTY AGRICULTURAL CENTER LOCATED AT 3125 AGRICULTURAL CENTER DRIVE, ST. AUGUSTINE, FLORIDA 32092, TO THE "CHARLES R. USINA & GABYE LEE USINA FAMILY AGRICULTURAL CENTER"

Sanchez said this was for the naming of the Agricultural Center and that it was a legal process.

(9:32 a.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, to adopt Resolution No. 2008-64, renaming the County Agricultural Center located at 3125 Agricultural Center Drive, St. Augustine, Florida 32092, to the "Charles R. Usina & Gabye Lee Usina Family Agricultural Center."**

RESOLUTION NO. 2008-64

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE NAME OF THE COUNTY AGRICULTURAL CENTER AS THE "CHARLES R. USINA & GABYE LEE USINA FAMILY AGRICULTURAL CENTER"; DECLARING THE NAMING OF THE AGRICULTURAL CENTER TO BE IN CONFORMANCE WITH RESOLUTION NO. 99-152 REGARDING POLICY FOR THE NAMING OF PUBLIC FACILITIES; PROVIDING AN EFFECTIVE DATE

(03/04/08 - 9 - 9:33 a.m.)

4. CONSIDER GOOD SAMARITAN HEALTH CENTER REQUEST TO WAIVE CONSTRUCTION PLAN REVIEW & INSPECTION FEES AND REQUEST FOR COUNTY TO PAY BUILDING PERMIT FEES AND IMPACT FEES FOR A FREE DENTAL AND MEDICAL CLINIC LOCATED WITHIN THE WEST AUGUSTINE AREA

Teresa Bishop, Director of Growth Management Services, gave the presentation and reviewed the request. Stevenson clarified that the impact fee would be paid from the Economic Development Contractual Services budget to cover the cost.

(9:34 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve (1) a fee waiver for construction plan review and inspection fees not to exceed \$1,535, and (2) the County paying the building permit fees not to exceed \$970.18 and impact fees not to exceed \$10,994.83 both associated with the construction of the Good Samaritan Health Center providing free dental and health services to those within the 200% poverty level, finding the request is in the best interest of the County and serves public purpose.**

(03/04/08 - 9 - 9:35 a.m.)

5. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR WINGATE LLC PROPERTY - THE APPLICANT SEEKS A WAIVER TO SECTIONS 4.01.10.B OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE 1500 FOOT SECONDARY ZONE OF BALD EAGLE NEST SJ-014. THE WAIVER IS REQUESTED IN ORDER TO CONSTRUCT THREE SINGLE FAMILY HOMES DURING THE NESTING SEASON WHICH IS FROM OCTOBER 1ST TO MAY 15TH

Proof of publication of the notice of public hearing on Eagle Nest/235 Wingate Properties, was received, having been published in *The St. Augustine Record* on February 18, 2008.

Jan Brewer, Environmental Manager, gave the presentation and handed out additional information. There was discussion on monitoring and what zones were required for

Federal and County monitoring. Stevenson mentioned the change in Federal regulations and asked for her honest opinion on each request and said there would be no rubber stamp approvals. Sanchez said he would feel better if the applicant would have the nest monitored. Rich said the eagles were an asset to St. Johns County and he had no intention of relaxing the more stringent regulations in place by the County.

(9:44 a.m.) Jonathan Napier, 15 Old Mission Ave., environmental consultant for the land owner, said his client had agreed to allow monitoring. Stevenson asked for a report back from staff after the nesting season on what they did, and if it was a successful nesting.

(9:48 a.m.) Mike McNamara, 1551 County Rd. 13 South, said construction in that area had been minimal and said the nest was easily seen from the area of construction. He stated there were two different standards in the County; one for the County and one for developers and referred to a recent County reconstruction at Riverdale Park and suspended construction rather than going for a waiver. He said it would establish a precedent for that area. He asked that they stop giving waivers to developers. Stevenson asked for clarification on the Riverdale Park and said they had requested a waiver. Brewer explained that it was requested but the delay was caused because it had to go before the Board and a staff report had to be prepared. She said most County projects were done outside the nesting season but sometimes they had to expend funds from grants before a certain time which required waivers. Stevenson said she was uncomfortable with the rules and would like to create a disincentive for completely ignoring nesting season.

(9:54 a.m.) Rich said that was a different situation as they were meeting and exceeding Federal requirements. He said they needed to be reasonable and he would support it with monitoring.

(9:56 a.m.) Motion by Rich, seconded by Bryant, carried 5/0, to approve the waiver to Sections 4.01.10B of the Land Development Code based on the applicant providing an alternate Bald Eagle Management Plan to include monitoring as required by County regulation.

(03/04/08 - 10 - 9:57 a.m.)

6. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR MURTAGH PROPERTY - THE APPLICANT SEEKS A WAIVER TO SECTION 4.01.10.B OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE 750 FOOT PRIMARY ZONE OF THE PLANTATION BALD EAGLE NEST. THE WAIVER IS REQUESTED IN ORDER TO CONSTRUCT A POOL IN ASSOCIATION WITH A SINGLE FAMILY PROPERTY AND TO ALLOW CONSTRUCTION DURING THE NESTING SEASON WHICH IS FROM OCTOBER 1ST TO MAY 15TH. THE APPLICANT HAS AGREED TO HIRE A BALD EAGLE MONITOR, APPROVED BY COUNTY STAFF, TO OBSERVE THE NEST DURING CONSTRUCTION TO WATCH FOR ANY SIGNS OF DISTURBANCE AND THE MONITOR SHALL HAVE THE AUTHORITY TO SUSPEND WORK ACTIVITIES THAT MAY BE RESPONSIBLE FOR ABNORMAL BEHAVIOR BY THE BALD EAGLES

Proof of publication of the notice of public hearing on Eagle Nest/Murtagh Property was received, having been published in *The St. Augustine Record* on February 18, 2008.

Brewer gave the presentation. She noted there were letters of protest which she gave to the Board. She reviewed the site and zones. Rich asked why the pool could not be built

outside the nesting season. Brewer said the applicant was present but it seemed reasonable that they could construct outside the nesting season.

(10:00 a.m.) Dave Benjamin, Surfside Pools, said the heavy equipment would be used during the first couple of days, and explained the equipment that would be used. He said the permitting process would be at least four weeks and construction would take 8 to 10 weeks. Rich said there was no hardship involved and pointed out the use of the delivery vehicles which could be disturbing during the nesting season and he said he was putting himself in jeopardy, and he would not support it.

(10:03 a.m.) Stevenson asked for clarification from staff on what was and was not permitted by Federal guidelines. She said the noisiest part was the water pumping from the site. Brewer reviewed the Federal guidelines. She said that application was in the 660 ft zone and a waiver was required.

(10:04 a.m.) Motion by Stevenson, seconded by Rich, to deny the waiver to Section 4.01.10 B of the Land Development Code. Brewer pointed out that the applicant would never be able to build a pool if they denied the waiver and she explained the two pronged waiver. Stevenson withdrew her motion.

(10:05 a.m.) Motion by Rich, seconded by Stevenson, carried 5/0, to waive section 4.01.01 B of the LDC to allow construction of the pool within the zone outside the nesting season.

(03/04/08 - 11 -10:07 a.m.)

7. PUBLIC HEARING - WAIVER TO BALD EAGLE REQUIREMENTS FOR ARANDA-MICHEL PROPERTY - THE APPLICANT SEEKS A WAIVER TO SECTION 4.01.10.B OF THE LAND DEVELOPMENT CODE, PERTAINING TO HABITAT MANAGEMENT FOR THE BALD EAGLE FOR PROPERTY LOCATED WITHIN THE 750 FOOT PRIMARY ZONE OF THE PLANTATION BALD EAGLE NEST. THE WAIVER IS REQUESTED IN ORDER TO CONSTRUCT A POOL AND INSTALL LANDSCAPING IN ASSOCIATION WITH A SINGLE FAMILY PROPERTY. THE APPLICANT HAS AGREED THAT THIS ACTIVITY WILL NOT OCCUR DURING THE NESTING SEASON WHICH IS FROM OCTOBER 1ST TO MAY 15TH

Proof of publication of the notice of public hearing on Eagle Nest/Aranda-Michel Property was received, having been published in *The St. Augustine Record* on February 18, 2008.

Brewer gave the presentation and said there were existing similar activities around the nest and it was very unusual to have something this close to a bald eagle nest. Stevenson clarified that the applicant agreed to build outside the nesting season.

(10:09 a.m.) Motion by Rich, seconded by Stevenson, carried 5/0, to approve the waiver to Section 4.01.10B of the Land Development Code based on the applicant providing an alternate Bald Eagle Management Plan.

The Board recessed at 10:09 a.m. and reconvened at 10:20 a.m.

(03/04/08 - 11 - 10:20 a.m.)

8. PUBLIC HEARING - CHANGING A ROAD NAME FROM COASTAL RIDGE BLVD TO VALLEY RIDGE BLVD - THE DEVELOPER FOR NOCATEE HAS REQUESTED THAT THE BOARD OF COUNTY COMMISSIONERS CONSIDER RENAMING COASTAL RIDGE BOULEVARD TO VALLEY RIDGE

BOULEVARD. THE PURPOSE OF THE RENAMING IS TO ADD SOME HISTORICAL SIGNIFICANCE TO THE NAME OF ROADWAY THAT ULTIMATELY LEADS TO PALM VALLEY FROM THE US 1 INTERSECTION. THE ST. JOHNS COUNTY SHERIFF'S OFFICE E911 COORDINATOR, THE ST. JOHNS COUNTY FIRE CHIEF, AND THE ST. JOHNS COUNTY GIS DIVISION SUPPORT THE ROAD RENAMING

Proof of publication of the notice of public hearing on renaming Coastal Ridge Blvd. was received, having been published in *The St. Augustine Record* on February 15, 2008.

Gail Oliver, County Surveyor, gave the presentation. Stevenson said she had received a call from Commissioner Kohnke, who was unable to be present, but supported the request for the name change.

(10:21 a.m.) Motion by Stevenson, seconded by Rich, carried 5/0, to adopt Resolution No. 2008-65 renaming Coastal Ridge Blvd. to Valley Ridge Blvd.

RESOLUTION NO. 2008-65

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CHANGING A ROAD NAME FROM COASTAL RIDGE BOULEVARD TO VALLEY RIDGE BOULEVARD

(03/04/08 - 12 - 10:23 a.m.)

9. PUBLIC HEARING - NZVAR 07-003 BURKE LOT DIVISION - THIS IS A REQUEST TO CREATE AN ADDITIONAL LOT IN A PLATTED SUBDIVISION WITHOUT HAVING TO COMPLY WITH REPLATTING; AND TO CREATE AN EASEMENT IN A PLATTED SUBDIVISION. THE APPLICANT CURRENTLY OWNS ONE (1) LOT WHICH FRONTS ON EVENTIDE ROAD, A COUNTY MAINTAINED PAVED ROAD. THE APPLICANT SEEKS TO SUBDIVIDE THE FRONT THIRD OF THE EXISTING LOT TO CREATE AN ADDITIONAL LOT FOR A FAMILY MEMBER. IN ORDER TO DO THIS, THE APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 5.01.01.C.3 (SUBDIVISION REPLATTING) AND SECTION 6.02.01.B.3 (LOT ACCESS WAYS) OF THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on NZVAR 07-003, Burke Lot Division, was received, having been published in *The St. Augustine Record* on February 18, 2008.

Bruce Ford, Plans Examiner, was present for questions. Stevenson noted that a previous application had been denied and the staff objection was based on lot size and not replatting. James Burke, 2046 Eventide Ave., the applicant, said he was present for questions.

(10:25 a.m.) Motion by Stevenson, seconded by Rich, carried 5/0, to approve NZVAR 07-003 based upon the evidence provided for all of the five findings of fact.

(03/04/08 - 12 -10:25 a.m.)

10. PUBLIC HEARING - REZ 2007-21 VAILL-GATLIN - THIS IS A REQUEST TO REZONE 4.20 ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY-2(RS-2). THE SUBJECT PROPERTY IS LOCATED NEAR VAILL POINT AT THE END OF STURDIVANT RD. NEAR MOULTRIE FORESIDE BOULEVARD, AND EAST OF US 1 SOUTH. STAFF FINDS THE REQUEST

MEETS THE APPLICABLE POLICIES AND SECTIONS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE, SPECIFICALLY POLICY A.1.3.12 AND IS CONSISTENT WITH THE RESIDENTIAL C FUTURE LAND USE CATEGORY. THE PLANNING AND ZONING AGENCY VOTED 7/0 (MOTION BY LAIDLAW/SECOND BY HANSON) TO RECOMMEND APPROVAL OF THIS REZONING REQUEST FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN POLICY A.1.3.12 AND OBJECTIVE A.1.11

Proof of publication of the notice of public hearing on Rezoning 07-21, Vaill-Gatlin Family, was received, having been published in *The St. Augustine Record* on February 16, 2008.

Karen Taylor, 77 Saragossa St., gave the presentation. Julie Vaill-Gatlin, the applicant was also present. Taylor gave a PowerPoint presentation to explain the application. Rich asked for a verbal commitment to provide the school concurrency letter from the school dated 5-15-07 contained in the packet to any potential buyer of the property, which the applicant agreed to do. Stevenson thanked them for their cooperation with Vaill Park and declared ex-parte with them at the park opening and with Karen Taylor regarding low impact development. She said she would like to see a 5 year inspection cycle for septic systems near the river.

(10:32 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance No. 2008-7, known as REZ 2007-21 Vaill-Gatlin, adopting findings of fact one through three to support the motion.**

ORDINANCE NO. 2008-7

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY TWO (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/04/08 - 13 -10:34 a.m.)

11. PUBLIC HEARING - NZVAR 07-004 VAILL-GATLIN FAMILY LOT DIVISION - THIS IS A REQUEST TO CREATE AN ADDITIONAL LOT ON A PRIVATE UNPAVED ROAD WITHOUT HAVING TO COMPLY WITH ROAD PAVING STANDARDS OF THE LAND DEVELOPMENT CODE (LDC). THE APPLICANT CURRENTLY OWNS (3) THREE CONTIGUOUS FAMILY LOTS ON AN UNPAVED PRIVATE ROAD WHICH RUNS FROM THE END OF STURDIVANT ROAD AND IS SEEKING TO CREATE AN ADDITIONAL LOT FOR A FAMILY MEMBER FOR A TOTAL OF 4 (FOUR) LOTS. IN ORDER TO DO THIS, THE APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 6.04.07.B.2 (EASEMENT REQUIREMENTS) WHICH LIMITS NEW EASEMENTS TO THOSE SERVING NO MORE THAN 2 (TWO) RESIDENTIAL DWELLING UNITS

Proof of publication of the notice of public hearing on NZVAR 07-004, Vaill-Gatlin Family, was received, having been published in *The St. Augustine Record* on February 18, 2008.

(10:34 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to approve NZVAR 07-004, based upon the evidence provided for all of the five findings of fact.**

(03/04/08 - 14 - 10:35 a.m.)

12. PUBLIC HEARING - REZ 2007-34 BATTON'S PLACE REZONING - THIS IS A REQUEST TO REZONE APPROXIMATELY 1.41 ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-2) TO ALLOW FOR THE PROPERTY TO BE DIVIDED SO TWO UNITS MAY BE CONSTRUCTED. SUBJECT PROPERTY IS 1.41 ACRES AND IS LOCATED ON THE EAST SIDE OF DATIL PEPPER RD. STAFF SUPPORTS THIS REQUEST BASED ON REVIEW OF THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, AND GENERAL DEVELOPMENT TRENDS IN THE SURROUNDING AREA. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR JANUARY 17, 2008 MEETING BY A VOTE OF 6 TO 0 (MOTION BY WILES, SECOND BY WHEELER, WILLIAMS ABSENT)

Proof of publication of the notice of public hearing on Rezoning 07-34, Batton's Place, was received, having been published in *The St. Augustine Record* on February 18, 2008.

Richard Batton, 422 Island Cay Way, Jupiter Beach, FL, spoke regarding the request and said he did not realize that the property could be split. He said they were asking for rezoning to RS-2. Rich asked if the property was not developed or sold if they would agree to include the copy of the letter of concurrency from the school board, dated December 7, 2007. Batton agreed.

(10:36 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance No. 2008-8, known as REZ 2007-34 Batton's Place, findings of fact one through four to support the motion.**

ORDINANCE NO. 2008-8

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY 2 (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/04/08 - 14 - 10:38 a.m.)

13. PUBLIC HEARING - PUD 2007-19 CHALK BUSINESS CENTER PLANNED UNIT DEVELOPMENT - THIS IS A REQUEST TO REZONE 0.66 ACRES FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO DEVELOP APPROXIMATELY 5,565 SQUARE FEET OF COMMERCIAL OFFICE AND BUSINESS SPACE. THE SITE IS LOCATED ON THE WEST SIDE OF SR207, NORTH OF THE INTERSECTION WITH SR206WEST, GENERALLY NORTHEAST OF THE TOWN OF HASTINGS. STAFF FINDS THE REQUEST IS CONSISTENT WITH THE FUTURE LAND USE CATEGORY OF RESIDENTIAL B, COMPATIBILITY POLICY A.1.3.12 BASED UPON COMPARABLE SCALE, SIZE AND DESIGN OF THE PROJECT TO EXISTING COMMERCIAL USES IN THE AREA, SUBJECT TO THE WAIVER AS REQUESTED. THE PLANNING & ZONING AGENCY RECOMMENDS APPROVAL OF THIS REQUEST BY A VOTE OF 6/0 (LAIDLAW MOTION/SECOND BY HANSON), SPECIFICALLY FINDING THE REQUEST CONSISTENT WITH POLICY A.1.3.12 DUE TO THE

PROVISION OF DUMPSTER FACILITIES AND ADEQUATE SCREENING IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on PUD 07-19, Chalk Business Center, was received, having been published in *The St. Augustine Record* on February 18, 2008.

Karen Taylor, 77 Saragossa St., gave a PowerPoint presentation showing the requested site and their plans for the development. She said they were requesting a waiver to the unified site plan. (10:41 a.m.) *Stevenson left the meeting.*

(10:41 a.m.) Motion by Sanchez, seconded by Rich, carried 4/0 with Stevenson absent, to enact Ordinance No. 2008-9, known as PUD 2007-19, Chalk Business Center PUD adopting findings of fact one through seven to support the motion.

ORDINANCE NO. 2008-9

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

(03/04/08 - 15 - 10:42 a.m.)

14. PUBLIC HEARING - MAJMOD 2007-26, SAWGRASS PUD (PONTE VEDRA MEDSPA PARKING ADDITION) - THIS APPLICATION IS A MAJOR MODIFICATION TO THE SAWGRASS PUD, SPECIFICALLY MDP 2001-13. THIS REQUEST SEEKS TO REDUCE THE NORTHERN BUFFER FROM FIFTY (50) FEET TO TEN (10) FEET IN ORDER TO PLACE A PARKING LOT ADDITION AND MOVE GROUND SIGN TO THE EAST AND LOCATE TWENTY (20) FEET TO THE SOUTH. PURSUANT TO SECTION 5.03.05, A REDUCTION IN OPEN SPACE BY MORE THAN 5% CONSTITUTES A MAJOR MODIFICATION TO THE PUD. STAFF FINDS THE REQUEST IS CONSISTENT WITH THE APPLICABLE REGULATIONS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE BASED UPON EXISTING BUFFERING, DISTANCE SEPARATION BETWEEN ADJACENT USES AND MAINTENANCE OF SITE TRIANGLES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST (MOTION BY WHEELER; SECOND BY LAIDLAW) BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on Major Modification 07-26, MEDSPA, was received, having been published in *The St. Augustine Record* on February 18, 2008.

Lindsay Haga, Chief Planner, gave the presentation and noted there was an update.

(10:43 a.m.) Matt Phillips, 1524 Smith Street, Orange Park, stated that he represented Ponte Vedra Med Spa and stated it was for a 10 space addition to their parking facility and for the relocation of a grand monument sign that was approved but never constructed.

(10:43 a.m.) **Motion by Manuel, seconded by Rich, carried 4/0 with Stevenson absent, adopting Ordinance No. 2008-10, known as MAJMOD 2007-26, Sawgrass PUD adopting findings of fact one through five to support the motion.**

ORDINANCE NO. 2008-10

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO SAWGRASS PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 1973-08 MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/04/08 - 16 - 10:44 a.m.)

15. PUBLIC HEARING - PUD 2008-01 SMITH INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT - THIS IS A REQUEST TO REZONE 9.8 ACRES FROM INDUSTRIAL WAREHOUSING (IW) TO PLANNED UNIT DEVELOPMENT (PUD) FOR PROPERTY LOCATED WEST OF US 1, SOUTH OF INTERNATIONAL GOLF PARKWAY. THE PROPERTY WAS REZONED MAY 15, 2007 FROM OPEN RURAL TO IW. THE PROPERTY WAS CONSIDERED BY THE PLANNING AND ZONING AGENCY JANUARY 3, 2008 AS A STRAIGHT REZONING REQUEST FROM INDUSTRIAL WAREHOUSING (IW) TO HEAVY INDUSTRIAL (HI). THE AGENCY RECOMMENDED APPROVAL BY A VOTE OF 6/1. TO ADDRESS PUBLIC COMMENT RECEIVED AFTER THE JANUARY 3, 2008 HEARING, THE APPLICANT HAS RE-FILED AS A PLANNED UNIT DEVELOPMENT APPLICATION. THIS PROVIDES A MASTER DEVELOPMENT PLAN MAP AND TEXT TO CLEARLY IDENTIFY THE TYPES OF USES PERMITTED ON THE SUBJECT PROPERTY. STAFF RECOMMENDS APPROVAL OF THE PUD REZONING REQUEST, SUBJECT TO APPROVAL OF REQUESTED WAIVERS. THE PLANNING & ZONING AGENCY WILL CONSIDER THE APPLICATION FEBRUARY 21, 2008

Proof of publication of the notice of public hearing on PUD 08-01, Smith Industrial, was received, having been published in *The St. Augustine Record* on February 18, 2008.

Karen Taylor said the applicant was not present as she had informed them the item would probably begin at 1:30 p.m.

(10:44 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/0 with Stevenson absent, to delay the item until 1:30 p.m.**

(10:45 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stevenson absent, to delay Item 16 and that it will be heard prior to Item 15.**

(10:48 a.m.) *Commissioner Stevenson returned to the meeting.*

(2:40 p.m.) Subsequently, Cathy Ardito, Court Reporter, was present. Lindsay Haga, AICP, Chief Planner, reviewed two changes to this item; 1) there was a revised issues report, with no open comments from any of the staff, regarding the historic resource survey that had been reviewed and accepted, and 2) the use description that Karen Taylor would walk through when she gave her presentation. Stevenson stated that she and Sanchez were at a community meeting last night, and there were a couple of framing issues that she thought might help with this discussion. Haga gave an overview of the County's rules. Stevenson voiced concern in compatibility and uses.

Rich questioned the allowable uses in the Heavy Industrial zoning classification. Haga listed the allowable uses.

(2:48 p.m.) Karen Taylor, 77 Saragossa Street, introduced those present for the meeting: Glenn Smith, Steven Goode, Sid Ansbacher and Scott Miller. Taylor reviewed the surrounding zoning classifications.

(2:53 p.m.) Rich disclosed ex-parte communication with a resident in the area. Haga spoke on the Public Works Department having a resurfacing project for the entire International Golf Parkway (along the link) to address the existing condition. Taylor spoke on special use provisions, the right-of-way, and stated that the request was consistent with the Comp Plan. She stated that they still had some concerns from local residents. She stated that they limited the height to 40 feet, set the hours of operation from 7 a.m. to 6 p.m., Monday through Saturday, and defined that it was only construction debris.

(3:08 p.m.) Steve Goode, President of Growth Partners, spoke on the material recovery facility. He spoke on the curbside recycling program, using the grapple truck collection system, and not anticipating a big increase in traffic. Stevenson asked how hazardous material would be handled if it appeared at their site. Goode responded. Sanchez spoke on hazardous material. Goode stated that all they were doing was consolidating. Rich asked for confirmation that there was no pollution aspect to this particular effort. Goode answered yes. Stevenson disclosed ex-part communications with the community, about their concerns, Mr. Smith, and Mr. Goode. Sanchez questioned the procedure of the EAR process. Teresa Bishop, Director of Growth Management, responded that the current EAR process had just begun, and that they had four community meetings in each planning district. Sanchez spoke on the homeowners' association getting involved. Bishop stated that they would be amending their map and polices sometime in the future. Sanchez spoke on the EAR process. Whitehouse explained the EAR process would entail the future land use map, not the zoning category, but the land use of the area.

(3:39 p.m.) Taylor summarized, saying that it maintained a light industrial use.

(3:30 p.m.) Kimberli Nalven, 246 Sophia Terrace, spoke in opposition and distributed a list of names in opposition, Exhibit A. She stated that there were several sign in sheets; for coming to the meeting the night before, and in opposition. Stevenson stated that she reviewed the list of names submitted by Nalven and stated that she and Sanchez both signed the opposition list, when in fact, they thought they were signing the sign in sheet. Sanchez stated that this was not the heading on the document he signed the previous night at the meeting. He stated that he did not sign in protest to this program. He also stated that their names were copied onto this document that was distributed today. Taylor described the difference between the two sign in documents. Sanchez stated that he wanted to make it clear that he did not sign in opposition to this program. Discussion followed.

(3:40 p.m.) Ginny Saunders, 125 Marshall Creek Drive, spoke in opposition of this item, and asked the Board to table it.

(3:42 p.m.) McCormack, County Attorney, entered the meeting.

(3:44 p.m.) Krista Fracke, 331 Sophia Terrace, spoke in opposition, and asked the Board to table it.

(3:44 p.m.) Jim Madigan, 620 Treehouse Circle, spoke in opposition, and asked the Board to table this item. Bryant offered some history on the Palencia DRI.

(3:48 p.m.) Ellen Whitmer, 1178 Natures Hammock Road S., spoke in supporting the project as a whole.

(3:49 p.m.) McCormack left the meeting.

(3:53 p.m.) Dick Saunders, 125 Marshall Creek Drive, spoke on needing this type of business, but said this location would be the wrong location for it. He expressed concern about the business being too close to the residential community.

(3:58 p.m.) Howard Hoffman, 157 Calle Norte, seconded the opinions of Dick Sauders.

(3:59 p.m.) Mike Vogel, 159 La Mesa Drive, asked for another 30 days so that they could educate themselves a little and be more organized to handle this situation. Stevenson asked if the applicant had offered to have a meeting with the community prior to the PZA meeting. Taylor replied.

(4:02 p.m.) Thad Guerra, 5965 Park Street, stated that he was here to support this item. Discussion followed.

(4:06 p.m.) Colm Kelly, 166 Parks Side Drive, asked for a postponement for about 30 days so they could get their act together and educate themselves.

(4:07 p.m.) Richard Hickey, 161 North River Drive, stated that they wanted to see Palencia appear on the most current site maps.

(4:09 p.m.) Nancy Dingle, 1255 Ponce Island Drive, stated that the project was wonderful but in the wrong place.

(4:10 p.m.) Jason Luther, 109 Calle Norte, asked if the owners requested to rezone here. Stevenson replied. Discussion followed.

(4:14 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Terry Bulla entered the meeting.

(4:15 p.m.) Shawna Chriss, 836 Cypress Crossing Trail, said she was confused and had not had enough time to look at the project and asked for additional time to better understand the process and what was going on. Discussion followed about more effective methods of communicating with the public and ways in which they could become more informed.

(4:22 p.m.) Taylor said they had tried to craft a PUD to make it a good one which would take all the heavy industrial uses out. She said she had e-mailed the site plan and the PUD text, to a number of individuals involved, including some people present that day, and had not received any responding phone calls or e-mails. She said they had a 30 foot buffer, 30 feet along the railroad and the building would be 140 feet back and a fence would not actually help. She said that pertaining to access across the railroad; certain standards had to be met for railroad crossings and the new FEC crossing would be the closest one, and it was not an option for them to have a new crossing. She noted Palencia homeowners bought with that type land use in place. She said the trade-off was taking out the less desirable uses in IW, heavy industrial.

(4:26 p.m. Sid Ansbacher, 50 N. Laura St., Suite 1100, noted how far they had come for recycling and what kind of uses were being made in industrial areas. He also pointed out that on the standards and burdens, he agreed with Whitehouse's position and it was a quasi-judicial proceeding. He said overlaying of signatures was illegal. He concluded that it was the right use, was historic and was consistent generally with the industrial designation since 1990.

(4:30 p.m.) Rich said he wanted assurances of how the buffer would look. Taylor said it was jurisdictional wetlands and the 30 foot buffer would be protected. She said the trees were 30 to 40 feet tall. Rich said that theoretically the trees would block the building which would be set back a good distance. Stevenson asked staff whether the tree buffering would be a sufficient screen. Haga said it would provide an adequate buffer. Stevenson asked if they would be willing to add buffering if it was a visual issue and if they would agree to paint the building a color that would blend in. Taylor said they would agree to that, though they could not add trees within the buffer as it was protected wetlands. She said they could add some trees along the west boundary. Sanchez concurred that he would favor additional trees, and he would prefer that in lieu of a fence.

(4:37 p.m.) Rich said that though the people of Palencia would like more time to review the issue, but it would not change the issues they were deciding upon. He said the evidence from both the applicant and the Palencia residents would be considered only as it was applicable within the law. Manuel said they had to deal with facts and evidence and they were bound by the law.

(4:43 pm.) Stevenson said this use was allowed under OR to begin with, it was now Heavy Industrial, the PUD would limit it to light industrial uses, and it would limit more offensive types of uses.

(4:44 p.m.) Wanchick said there had been a request to slow down the Evaluation Appraisal (EAR) process. He said those meetings had been set up and EAR letters would not be sent to the DCA until the residents had an opportunity to engage.

(4:45 p.m.) Sanchez said he appreciated all the input from Palencia. He said he was going to make a motion to enact the ordinance and it would not change the area dramatically and would work out for them. He said he would do nothing to hurt their residences.

(4:48 p.m.) Motion by Sanchez , seconded by Rich, carried 5/0, to enact Ordinance No. 2008-11, known as PUD 2008-01, Smith Industrial Park, adopting findings of fact one through seven to support the motion including waivers 1, 2, and 3 and with additional trees and the color of the business to be restricted to earth tones.

ORDINANCE NO. 2008-11

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

(11:03 a.m.) Manuel said that Item 16 would be the first item at 1:30 p.m. The Board moved to Commissioner Comments.

The meeting reconvened at 1:28 p.m. with four commissioners present and Stevenson absent. Wanchick, McCormack, Hunt, and Deputy Clerk Lenora Newsome were also present.

(03/04/08 – 20 - 1:30 p.m.)

16. CONSIDER A MOTION TO ADOPT A RESOLUTION TO FACILITATE THE CREATION OF AN MSBU AND TO COMPLETE A DUNE SAND PLACEMENT PROJECT

Tom Turnage, 4114 Herschel Street, spoke on sending a letter to all the homeowners in the area, including a formal petition for them to execute and turn back to the County indicating their support in favor of this M.S.B.U.

(1:30 p.m.) Press Tompkins, County Engineer, stated that out of 130 residents in that block, they had 61 property owners in favor of the M.S.B.U, five written no votes, two verbal no votes and the rest of them were no response.

(1:32 p.m.) Rick Carney, 2961 South Ponte Vedra Blvd., spoke in opposition to the M.S.B.U and stated that there had to be a better solution. (1:32 p.m.) Stevenson entered the meeting. McCormack explained that this was not a tax, but a special assessment. He stated that he was concerned about placing sand on the properties that did not agree with the M.S.B.U and charging them, but placing it on all the properties would be a legal risk. He also said that placing it on some of the properties would leave holes.

(1:40 p.m.) Gary Close, 2913 South Ponte Vedra Blvd., spoke in favor of the project. Rich spoke on an unresponsive resident being a no vote. McCormack explained the letters that were sent out. Sanchez spoke on filling in part of the beach and washing out the rest of the beach. Stevenson spoke on re-nourishing the beach.

(1:47 p.m.) Tompkins explained the graph engineering prepared for this meeting regarding the dune sand placement, MSBU.

(1:48 p.m.) Turnage reviewed the history of the erosion on the beach. He stated that if he had time, he could get a lot more votes in favor of the M.S.B.U. He stated that they needed to start this project no later than the first of April to make it happen. Sanchez stated that their attorney advised them not to go ahead with this, with the low number of people in support of it. Wanchick stated that everyone would like to see this project move forward and that it was in everyone's best interest to do so. Rich stated that this was not a majority rule issue. McCormack explained the 51% rule and stated that the problem in his mind would be the assessments. Rich asked about the eroded areas and the mean high tide mark. Tompkins replied that the mean high tide mark was moving westward. McCormack stated that it was not a beach re-nourishment project, it was a dune restoration. Rich spoke on the legal stance. McCormack stated there would be a legal argument. Rich mentioned that if it was not done as a solid stretch, the restoration would not work. Stevenson asked if it was a financial exposure. McCormack replied that he was more concerned about the financial part. Bryant spoke on continuing this item to have more time to get more signatures. Turnage spoke on placing a berm in the area. Tompkins stated that a week would be about the maximum time they would have to get more signatures. Stevenson spoke on the way beach erosion worked. McCormack spoke on beach erosion. Stevenson stated that the direction should be that if they extended it and did not hear from the people, it would not be possible. McCormack responded that this was unusual. Stevenson stated that the County did not

have the money to do this if the community did not stand behind it. McCormack responded. Bryant stated that one of Congressman Mica's concerns was A1A and loosing the homes in the area. Bryant asked Tompkins, if the Board gave them a week's delay, was there anyway they could talk to DEP in Tallahassee. Tompkins responded that they could explore that avenue. Manuel stated that he was in support of Bryant's suggestion to engage the congressman in the discussion and giving them a one more week extension. Stevenson concurred. Bryant stated that he was totally supportive of this project because he thought there was a solution. Rich spoke on raising the money to match the cost. McCormack spoke on the letter sent out to the property owners. Manuel stated that they would just continue the item. Stevenson stated that this issue brought to point that they needed an environmental department, so the citizens would have a focal point to come to and a better way to interface and solve the issues when dealing with something this complex. Wanchick reminded the Board that they had a workshop scheduled for next Tuesday and this could be rolled over into it. Manuel stated that they were going to do that.

The meeting recessed at 2:34 p.m. and reconvened at 2:40 p.m. McCormack and Hunt left the meeting and James Whitehouse, Assistant County Attorney, entered the meeting. (See Item 15 above for subsequent testimony)

(03/04/08 - 21 - 10:48 a.m.)

16a. MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MANAGED PHARMACY BENEFIT SERVICES AGREEMENT (*This item was previously Consent Agenda Item #26.*)

Stevenson said she asked to remove this from the Consent Agenda as she wanted the public to be aware of this program. Karen Pan said it was a partnership between the National Association of Counties and Nextcare Prescription and it was a free service to the County and its residents through the National Association of Counties. She said there would be a campaign process to promote and educate the public and they would be made available to the public. General discussion ensued.

(10:57 a.m.) Motion by Stevenson, seconded by Rich, carried 5/0, to approve Resolution No. 2008-66 approving the terms, conditions and requirements of the managed pharmaceuticals service agreement, attached and included Managed Pharmacy Services Benefits Agreement Consumer Card Program among St. Johns County, Florida, the National Association of Counties and CaremarkPCS Florida, LP, by CaremarkPCS Health Systems, LLC, its general partner and authorizing the County Administrator or designee to execute the program card plan and necessary paperwork on behalf of the County.

RESOLUTION NO. 2008-66

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MANAGED PHARMACY BENEFIT SERVICES AGREEMENT, AND AN ATTACHED AND INCLUDED MANAGED PHARMACY BENEFIT SERVICES AGREEMENT CONSUMER CARD PROGRAM, AMONG ST. JOHNS COUNTY, FLORIDA, THE NATIONAL ASSOCIATION OF COUNTIES, AND CAREMARKPCS HEALTH, L.P., BY CAREMARKPCS HEALTH SYSTEMS, LLC, ITS GENERAL PARTNER. AND AUTHORIZING

THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT, CARD PLAN, AND ANY OTHER NECESSARY PAPERWORK, ON BEHALF OF ST. JOHNS COUNTY

(03/04/08 - 22 - 10:59 a.m.)

16b. HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY/AFFORDABLE MULTIFAMILY HOUSING PROJECT/MEMORANDUM OF UNDERSTANDING FOR DEVELOPER'S CWHIP APPLICATION

Tom Crawford, Director of Housing and Community Services introduced the Memorandum of Understanding submitted by Atlantic Housing Partners. He said they had requested that the County and the County Finance Housing Authority to participate in their application for the CWHIP funding, requesting \$5 million from the Florida Housing Finance Corporation to build 70 units. He noted it was a time sensitive item and needed to be submitted by March 17, 2008. He said Mr. Culp and Jean Mangue were also present if they had questions. He said there was no fiscal obligation on the part of the County.

(11:01 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to adopt Resolution No. 2008-67 authorizing and approving a Memorandum of Understanding relating to a proposed affordable multifamily housing project in and for St. Johns County and authorizing the execution and delivery thereof.**

RESOLUTION NO. 2008-67

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING AND APPROVING A MEMORANDUM OF UNDERSTANDING RELATING TO A MULTIFAMILY HOUSING DEVELOPER'S APPLICATION TO FLORIDA HOUSING FINANCE CORPORATION IN CONNECTION WITH THE COMMUNITY WORKFORCE HOUSING INNOVATION PILOT PROGRAM FOR AN AFFORDABLE MULTIFAMILY HOUSING PROJECT IN ST. JOHNS COUNTY; AND AUTHORIZING THE CHAIRMAN OR VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO EXECUTE AND DELIVER THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF ST. JOHNS COUNTY FLORIDA

(4:49 p.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to continue the meeting until March 11.**

(4:49 p.m.) Karen Pan noted that there was another item, 16c, which needed to be handled as it was time sensitive.

(4:50 p.m.) **The Board reconvened.**

(03/04/08 - 22 - 4:50 p.m.)

16c. RESOLUTION FOR CONFLICT RESOLUTION BETWEEN ST. JOHNS COUNTY & ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Manuel said he had received an e-mail from the Chairman of the County Commission of Seminole County requesting a meeting. He said it was not a commission to commission meeting but she had invited the chair.

(4:51 p.m.) McCormack said he had presented an agenda sheet, and the resolution initiated a conflict resolution procedure in accordance with the Florida Government Conflict Resolution Act, per Section 164.101, Florida Statutes, et. seq. on behalf of the St. Johns County Board of County Commissioners. He referred to their recently passed Resolution 2008-9. He said it pertained to a conflict with the St. Johns River Water Management District (SJRWMD) pertaining to its review and proposed approval of 5.5 million gallons per day withdrawal of water from the St. Johns River for consumption purposes.

(4:54 p.m.) Manuel said the conflict was not with Seminole County, and they would be asking them and other counties to join us in taking steps to validate any data created by the SJRWMD. Rich suggested they keep their options open for the future.

(4:55 p.m.) Stevenson asked if there would be other municipalities at the meeting. Manuel said chairs and mayors of several counties and municipalities had been invited. He said he had asked the Jacksonville City Council to send a representative. Stevenson asked if it was a publicly noticed meeting. Manuel said it was noticed by St. Johns County and was publicly noticed in Seminole County. Stevenson said the Northeast Florida Regional Planning Council was being held on the same day and she would be present at that meeting at which important topics were being discussed.

(4:57 p.m.) **Motion by Manuel, seconded by Rich, to adopt Resolution No. 2008-68.**

McCormack explained the authorization that both he and the County Administrator had under the law and why they had chosen the avenue they had chosen to follow.

(4:59 p.m.) **Motion carried 5/0.**

RESOLUTION 2008-68

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURES PER SECTION 164.101, FLORIDA STATUTES, THE FLORIDA GOVERNMENT CONFLICT RESOLUTION ACT, PERTAINING TO A CONFLICT BETWEEN ST. JOHNS COUNTY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING AN EFFECTIVE DATE

(5:00 p.m.) **Motion by Sanchez, seconded by Stevenson, carried 5/0, to continue the meeting until March 11.**

(03/04/08 - 23 - 11:03 a.m.)
COMMISSIONERS' REPORTS

Commissioner Rich:

Rich commented on the scrub jay being the state bird of Florida.

(11:04 a.m.)

Commissioner Sanchez:

Sanchez said he would like a report on the status of the equestrian center. Wanchick said they were on the verge of executing an agreement with the County once they acquired their insurance. Sanchez said they needed to move this issue along and get it resolved. Wanchick said he would call today to find out what the status was. Sanchez congratulated the Amphitheatre staff and said they had done a sensational job, and it was moving along exactly like it should be and had proved that they might even turn a little profit.

(11:07 a.m.)

Commissioner Stevenson:

Stevenson asked that on March 11 they have a delay of the hearing on the CR 210 I95 interchange improvements. She said the private sector could not make it on the major improvements to relieve the northern development area congestion issues and the 312 and 313 financing challenges looming. She said there was not enough in that area to fund road deficits and steps should be taken to fund reasonable funding strategy for major transportation improvements in St. Johns County. She said the discussion was too important not to include the community. Manuel said he agreed. She suggested starting a discussion regarding a panel of a group of 12 people with key people in the community to build some consensus. She said a moratorium was not the answer but when FDOT and the State got 9B down to US1, there needed to be something for them to connect to. She said she would like to do it at the March 11 meeting. Wanchick said the other discussion was for a moratorium on CR 210. Manuel said they could pull that back and have the discussion on this item in its place. Manuel said he would like to expand it to include the Jacksonville Transportation Authority.

(11:12 a.m.) Rich said he wanted to clear up the suggestion from Stevenson, and asked if it was a general transportation panel. Manuel said he would like to expand that to Economic Development as well. Stevenson said the panel should focus on how they moved essential goods and services throughout the county. She said changing concurrency would not address the long term funding challenge, and the funding of transportation improvements would be appropriate. Rich said the economic development issue should be restricted to transportation issues. Manuel said it would be for the corridors. Rich clarified who would be on the panel. Stevenson said it could be discussed in greater detail at the workshop on March 11th.

(11:16 a.m.) Wanchick said he was very supportive of this approach. He said he was concerned that the moratorium word was hanging over the community, and it would be helpful to state that they were going to suspend their discussions on a moratorium at that time. He said a moratorium had a chilling effect on the County. General discussion ensued.

(11:24 a.m.) McCormack said County staff and the Board now knew a lot more than they did in November, and things look better than they did in November, and since then, the pending zoning ordinance doctrine element had been lifted.

(11:25 a.m.) *There was board consensus to suspend a moratorium and to find a solution.*

(11:26 a.m.)

Commissioner Bryant:

Bryant asked the Board for help in making the decision of what they were going to do regarding healthcare. He read a statement regarding the State Medicaid system. He said the system was not ready to go statewide. He said he had changed his views on how to best provide healthcare in the most productive manner, not denying people services and curbing the cost of healthcare. He asked to be allowed to have some input during the budget cycle. Manuel said he looked forward to the discussion.

(11:27 a.m.)

Commissioner Manuel:

Manuel said he had received a letter from the Chairman of the Putnam County Commission, who said they would like to learn more about the Sheriff's activities in the Hastings area. He asked Wanchick to request that the Sheriff keep the Putnam County Sheriff informed and the Commissioners there as well. Sanchez said the intent of the newspaper article was to announce the meeting, not to say the center would be located in Hastings. He said he saw no problem in asking the Sheriff to advise him of what was happening.

(11:30 a.m.) Manuel said the budgeting process was going to be difficult and we needed to be aware what the Speaker of the House would be promoting during the legislative session; a cap on revenues of 1.35% of the countywide taxable value base. He said that meant the total taxes assessed for FY 2008 countywide are \$359,000,000 and some change, excluding municipalities, compared to a countywide taxable value base of \$24,500,000 and \$6.7 billion dollars which was off the tax roles because of Save Our Homes. He said our percentage was 1.46% as a county. He said we were in pretty good shape. He said if it were to pass this session, it would mean a further reduction of revenues of \$27.6 million and the county share would be \$11.4 million and added to the Government Standards Accounting Board requirements of funding, we would be in a very serious financial situation for this year and next year's budgeting cycle. He said if we did not have Save Our Homes the countywide ration would be 1.16%, well under the proposed 1.35% of the Speaker. He said a lot of the financial inefficiencies had been addressed and there were outside pressures on the Board and they might no longer be able to meet their goals through attrition. He said it was compounded by HB 715 which would eliminate impact fees, MSBU's or MSTU's and further handcuffing counties from providing services to their local citizens. He said the Board had not approved any large capital expenditures, and had shrunk government. He said this Board and Administration would have to face further cuts.

(11:35 a.m.) Rich said the public needed to get used to hearing this message. He said in political terms, this was going to be brutal and there was no sacred cow as far as he was concerned for discretionary spending. He said it was important that the people understand that everything would be looked at with a jaundiced eye pertaining to funding. He said programs would be falling to the wayside.

(11:36 a.m.) Manuel said the glass recycling had been very successful with 222 thousand pounds of new recycling material since February. He said the net cost to the county would be flat, as the extension of the life of the landfill would offset the cost. Bryant asked for a report of how much of the glass was recycled and how much was taken to the landfill. He said unless the glass was separated by color it was a wasted effort.

(11:38 a.m.) McCormack referred to the pilot program in the northern part of the County and if it was successful they would consider doing it countywide. Stevenson said she would like to see the report, and in the past most of it had ended up in the landfill. She said she understood that there were now uses for the mixed glass.

(11:39 a.m.) Manuel said on public landscaping they needed to look at xeriscaping and they needed to set the standard on water conservation. He said grant money was forthcoming for such efforts.

(03/04/08 - 25 - 11:39 a.m.)

COUNTY ADMINISTRATOR'S REPORT

None.

(03/04/08 - 26 - 11:39 a.m.)
COUNTY ATTORNEY'S REPORT

None.

(03/04/08 - 26 - 11:39 a.m.)
CLERK OF COURT'S REPORT

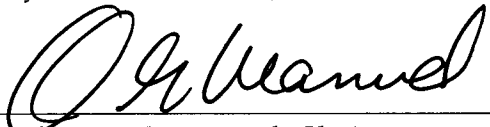
None.

(11:40 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to adjourn until 1:30 p.m.**

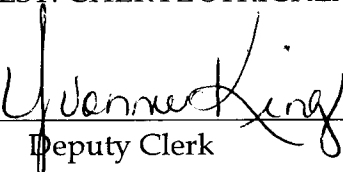
With there being no further business to come before the Board, the meeting was continued at 5:00 p.m.

Approved April 1, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

