

Ray Quinn, 1097 Winterhawk Drive, representing St. Johns County Veterans Council, recognized Ben Rich and Jim Bryant with a letter of appreciation and the presentation of a plaque. Quinn announced the Veterans observances that would take place during the month of November.

Joe McDermott, Veterans Service Office for St. Johns County, spoke on the support for the Veterans around the County. He thanked everyone for their help. Rich thanked them for his recognition. Bryant thanked them for his special recognition that day.

(10/28/08 - 2 - 10:54 a.m.)

PROCLAMATION DESIGNATING NOVEMBER 11, 2008, AS VETERAN'S DAY

Joe McDermott, St. Johns County Veteran's Officer, introduced Ben Meggitt, Chairman of the St. Johns County Veteran's Council; Ray Quinn, Co-Chairman; Joe Gullette, American Legion Post 0037 Commander, and Mike Rofelt from the Veteran's Service Office. Rich read the proclamation, and the men from the Veteran's Council accepted it and thanked the Board for their support.

(10/28/08 - 2 - 11:01 a.m.)

PROCLAMATION DESIGNATING OCTOBER 2008, AS NATIONAL ARTS & HUMANITIES MONTH

Phil McDaniels spoke on the National Arts and Culture in the community and introduced everyone present. Sanchez read the proclamation.

(10/28/08 - 2 - 11:10 a.m.)

PROCLAMATION DESIGNATING NOVEMBER 2008, AS PREMATURETY AWARENESS MONTH AND NOVEMBER 12, 2008, AS PREMATURETY AWARENESS DAY

Bryant read the proclamation and Stephanie Lipcott spoke on the March for Babies March of Dimes Walk on November 8th. Leslie Banta was present.

The meeting recessed at 11:14 a.m. and reconvened at 11:26 a.m.

(10/28/08 - 2 - 11:26 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Rich, seconded by Sanchez, carried 4/0, to approve the Proclamations.

(10/28/08 - 2 - 11:27 a.m.)

DELETIONS TO CONSENT AGENDA

Stevenson requested to pull Consent Item 14 and place it on the Regular Agenda as Item 7a.

(10/28/08 - 2 - 11:29 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Sanchez, seconded by Rich, carried 4/0, to approve the Consent Agenda as amended.

1. Approval of the Cash Requirement Report
2. Sheriff Office Bonds:
Approve: Jacob Bach Christopher Davis Cornelius Dukes

Scott Link Susan Riechman Jessica Schaffer
Matthew Weidner

Cancel: Jamie Cyr Larry Dyer Bernard Estanope
 Benjamin Gray Debra Higbea Pauline Orr
 Theresa Piet

3. Motion to adopt **Resolution No. 2008-301**, recognizing unanticipated revenue in the amount of \$79,496 in 0001-33120 (General Fund – Public Safety Federal Grant) and allocated it to 0094-55304 (Housing – Federal Grant Expenditure) in the same amount

RESOLUTION NO. 2008-301

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE LIBRARY SYSTEM

4. Motion to adopt **Resolution No. 2008-302**, approving the Final Plat for Durbin Crossing North, Phase 2-Unit 5

RESOLUTION NO. 2008-302

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PLAT FOR DURBIN CROSSING NORTH, PHASE 2 - UNIT 5

5. Motion to approve the County Administrator, or designee, to negotiate and enter into a contract with Premier Chemicals, LLC., to sole source and purchase up to a maximum of \$150,000 of “Thioguard” chemical and; motion to transfer \$150,000 from the Utility Services Reserve (4426-59920) to the Utility Services Lift Stations Department - Contractual Services (4416-53120)
6. Motion to authorize the County Administrator, or his designee, to enter into contract with Vallencourt Construction Co., Inc., for \$112,637 to install the proposed water, sewer, and reuse main crossings across State Road 16
7. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into a contract with the top (5) ranked firms for RFQ 08-145, Continuing Contract - Mechanical & Electrical Engineering Services. If an agreement cannot be reached with one or more of the top (5) ranked firms, authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached with (5) respondents
8. Motion to adopt **Resolution No. 2008-303**, recognizing unanticipated revenue in the amount of \$1000 and increasing the General Fund Donations-Hastings (001-36609) and allocate it to the Library Donated Operating Supply-Hastings (0078-55223) in the same amount; and recognizing unanticipated revenue in the amount of \$2,400 and increasing the Library Administration Donations (0001-36617) and allocate it to the Library Administration Donated Operating Supply (0078-55229) in the same amount

RESOLUTION NO. 2008-303

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE LIBRARY SYSTEM

9. Motion to adopt **Resolution No. 2008-304**, authorizing the County Administrator to execute an Easement to Florida Power & Light Company to install electrical service to the Northwest Water Treatment Plant off of International Golf Parkway

RESOLUTION NO. 2008-304

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY TO INSTALL ELECTRICAL SERVICE TO THE NORTHWEST WATER TREATMENT PLANT AND MASTER LIFT STATION LOCATED OFF OF INTERNATIONAL GOLF PARKWAY

10. Motion to approve a transfer in the amount of \$17,668 from Solid Waste Fund Reserves (4407-59920) to the Landfill Operations Department - Consulting Services (4401-53150) to carry forward the balances of the commitment for consulting services
11. Motion to adopt **Resolution No. 2008-305**, approving the terms, conditions, provisions, and requirements of a Non-Exclusive Franchise Agreement for Commercial/Industrial Solid Waste between St. Johns County, Florida and Sunshine Recycling, Inc. and authorizing the County Administrator, or designee, to execute the Non-Exclusive Franchise Agreement for Commercial/Industrial Solid Waste on behalf of St. Johns County, Florida

RESOLUTION NO. 2008-305

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A NON-EXCLUSIVE FRANCHISE AGREEMENT FOR COMMERCIAL/INDUSTRIAL SOLID WASTE BETWEEN ST. JOHNS COUNTY, FLORIDA, AND SUNSHINE RECYCLING, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AMENDMENT TO THE COMMERCIAL/INDUSTRIAL SOLID WASTE FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

12. Motion to transfer \$13,106 from General Fund Reserves [0083-59920] to the appropriate EMS salary and benefits expenditure line items to ensure correct salary appropriations for Fiscal Year 09

13. Motion to transfer \$39,225 from Fire District Capital Outlay Reserves [1230-59927] to the Fire District Capital Equipment expenditure line item [1226-56400] to fully fund the purchase of one Fire Engine
14. Motion to adopt a resolution setting a Public Hearing date of December 2, 2008 @ 9:00 A.M. to hear a request for the vacation of a portion of Riverside Boulevard within Riverdale Plat

This item was pulled and placed on the Regular Agenda as Item 7a.(See page 16)

15. Motion to adopt **Resolution No. 2008-306**, approving the terms and authorizing the Chair of the Board of County Commissioners to execute a Conservation Easement over ~ 19.5 acres near State Road 16 to mitigate for wetland impacts associated with the construction of the access to the Clyde E. Lassen Veterans' Nursing Home

RESOLUTION NO. 2008-306

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 APPROXIMATELY 19.5 ACRES NEAR STATE ROAD 16 TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH THE CONSTRUCTION OF THE ACCESS TO THE CLYDE E. LASSEN VETERANS' NURSING HOME

16. Motion to adopt **Resolution No. 2008-307**, accepting the conveyance of 31.87 acres as Phase I of the Community Park Sites and a non-exclusive access easement per the RiverTown DRI Development Order

RESOLUTION NO. 2008-307

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING CONVEYANCE OF 31.87 ACRES AS PHASE 1 OF THE APPROXIMATELY 100 ACRES COMMUNITY PARK SITE WITHIN RIVERTOWN DRI PER THE DEVELOPMENT ORDER

17. Motion to approve a transfer in the amount of \$2,399 from the Transportation Trust Fund Reserves (1131-59920) to the appropriate salary and benefit line item within the Fleet Maintenance Department to effectuate the reassignment of a Supervisor II to the night shift
18. Motion to adopt **Resolution No. 2008-308** accepting the terms of the agreement between St. Johns County Board of County Commissioners and Gateway Community Services and authorizing the County Administrator to execute the Amendment on behalf of the County

RESOLUTION NO. 2008-308

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

19. Motion to approve the reclassification of a vacant position from an Office Specialist III to a Customer Support Specialist III position at a PG 115 Step 1, and; Motion to transfer \$4,949.23 from the Utility Services Reserve to the appropriate personal services line items to fully fund the Customer Support Specialist position for FY 09
20. Motion to approve to move the positions of Project Liaison, (2) Records Management Specialist, Records Management Coordinator and Systems Support Tech I from the Development Services Division to the Growth Management Department and authorize the respective transfers of personnel budget
21. Motion to authorize the County Administrator, or his designee, to award a contract to Duval Asphalt Products, Inc. for cold bituminous asphalt as described in bid proposal 08-162
22. Motion to authorize the County Administrator, or his designee, to purchase One (1) 2009 Medtec Ambulance from Medtec Ambulance Corporation from the Florida Fire Chief's Association, Florida Sheriff's Association & Florida Association of Counties Contract # 07-07-0828 in the amount of \$211,964
23. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 09-15
 - b. Proof, Notice to Bidders, Bid No. 09-19
 - c. Proof, Notice to Bidders, Bid No. 09-20
 - d. Proof, Notice to Bidders, Bid No. 09-21
 - e. Proof, Notice to Bidders, Bid No. 09-22
 - f. Proof, Notice of Canceled Meeting, St. Johns County Water & Sewer Authority, Canceled meeting scheduled for Monday, October 6, 2008 at 10:00 a.m.
 - g. Proof, Notice of Hearing, St. Johns County Board of County Commissioners, Ordinance relating to the St. Johns County Standard Unsafe Building Abatement Code, Tuesday, September 30, 2008 at 9:00 a.m.
 - h. Proof, Notice of Election, Referendum to be held in St. Johns County, Florida on November 4, 2008, Pertaining to the Levy of a One Percent (one cent) Local Government Infrastructure Sales Surtax
 - i. Proof, Notice of Election, Referendum to be held in St. Johns County, Florida on November 4, 2008, Pertaining to the Adoption of a Home Rule Charter for St. Johns County

(10/28/08 - 6 - 11:29 a.m.)
PUBLIC COMMENT

Ed Paucek, 970 Irma Way, Chairman of the St. Johns County Builders Council, congratulated everyone for putting the new administration building together.

(11:31 a.m.) Debra Gibson, Library Director, presented the FY 2007-2008 library statistics, Exhibit A.

(11:36 a.m.) Carolee Bertisch, 104 Cypress Lagoon Court, Vice-chairman, Library Advisory Board, spoke on people rediscovering the libraries with the economy being depressed. Rich thanked Debra Gibson for the leadership she had provided to the library system since being appointed by the new Administrator. Stevenson also thanked Debra Gibson and the volunteers.

(10/28/08 - 7 - 11:39 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Rich requested to add, a vote for Vice-chair to the agenda as Item A2. Wanchick requested to add, Report of Excess Fees for Fiscal Year 2007-2008 by the Tax Collector as Item A1.

(10/28/08 - 7 - 11:41 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/28/08 - 7 - 11:41 a.m.)

A1 REPORT OF EXCESS FEES FOR FISCAL YEAR 2007-2008

Dennis Hollingsworth, Tax Collector, reviewed the item, presenting the report of excess fees for Fiscal Year 2007-2008. Hollingsworth spoke on the new lighthouse license plates available for sale. He also spoke on the revenue for the new tax roll. (11:45 a.m.) **Motion by Rich, seconded by Sanchez, carried 4/0, to acknowledge the Tax Collector's Report for Excess Fees for Fiscal Year 2007-2008.**

(10/28/08 - 7 - 11:46 a.m.)

A2. VOTE TO FILL THE POSITION OF VICE CHAIR

Motion by Rich, seconded by Bryant, carried 4/0, to nominate Sanchez to fill the position of Vice-chair.

(10/28/08 - 7 - 11:47 a.m.)

1. CONSIDER A MOTION TO APPROVE THE HERITAGE CROSSROADS: MILES OF HISTORY CORRIDOR MANAGEMENT AGREEMENT BETWEEN ST. JOHNS COUNTY AND HERITAGE CROSSROADS CORRIDOR MANAGEMENT ENTITY (CME) AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

John Seibel, 2551 North State Street, Bunnell, CME Chairman, spoke on the Heritage Crossroads being a scenic highway effort. He introduced Garry Balogh and Mike Palozzi. He asked the Board to sign the letter of support which outlined their operating procedures, and which allowed them to become designated in terms of meeting that last requirement. Rich asked Gary Balogh if he had contact with the County staff in reference to this item.

(11:52 a.m.) Gary Balogh, FDOT, 1410 Stevens Avenue, DeLand, replied, no he had not.

(11:53 a.m.) Mike Palozzi, 5300 W. Cypress Street, PBS&J, stated that Vickie Renna, their contact from the County, had participated in the scenic highway designation process for Heritage Crossroads over the last couple of years. Rich asked if they had the support of the Planning staff of St. Johns County. Seibel responded that they thought they had, but they didn't have any official approval from them. Rich stated that if they were sending a letter of support that implied that they approved of the designation, would that designation affect the roadway system in St. Johns County in the future, and if so, how. Seibel responded that he didn't see that it would affect the road system in any way, displayed a map, Exhibit A. Rich stated that in the event that the request appeared to have long term impacts, he would like to request that it be delayed until the new Board was seated. Discussion followed on supporting this item, national designation, brick roads and asphalt topping. McCormack stated that if the Board would be making a motion, he requested to add the phrase, to authorize the Chairman to enter this, "*substantially in a form*

of the agreement attached.” Bryant stated that the I-95 and US 1 interchange was a commercial node on the future land use map, and asked if there would be any inhabitations or impediments to development of that commercial node by that designation.

(12:00 p.m.) Teresa Bishop, Long Range Planning Director, stated that it was her understanding that the scenic highway designation did not impact any land use, whatsoever, around those scenic highway designations, and did not impact any improvements or other things that they might want to do to those roadways. She stated that she believed that when there was a scenic highway designation placed on roads, that it brought more public involvement and involved more discussion from the public. She stated that her concern was that St. Johns and Flagler Counties’ resources were stretched and could cause resources to be stretched even further. Bryant spoke on limitations. Bishop stated that it was a mixed use designation in that particular area, however, it was also on the Greenway-Blueway System for DOT. Bryant spoke on commercial tax base. Seibel stated that they were not asking for any financial or staff support whatsoever. Bryant mentioned that he would like to get statements on the record that, in the event in future years, they had a proposal for a development of a commercial nature, that the Advocacy Group would not fight it. Seibel stated that they could add that to the agreement before they signed it.

(12:06 p.m.) Bill Schilling, 8657 Bay Pine Road, Jacksonville, stated that he represented a client who abutted the Old Brick Road. He asked that, with an historic designation, whether there would be any additional setbacks or buffering requirements that might affect property owners that had property adjacent to it. Stevenson mentioned that they needed to check it out further. Rich stated that if the Board decided to go forward, he would like the County Attorney to give them an amended motion to reflect some of the things that had been said and agreed to. Wanchick stated that some questions were being raised on some legitimate issues, that they were not in a position to answer definitively that day, and suggested coming back on November 18th, which would give them two weeks to work through the issues. Stevenson mentioned that pushing things could cause problems and agreed with continuing the item until November 18th.

(12:13 p.m.) McCormack mentioned that they were going to need to schedule a shade meeting prior to November 26th and suggested adding that item to that date rather than on November 18th.

(12:13 p.m.) Stevenson stated that they would continue the item to a date uncertain. Rich voiced concern about the new commissioners not knowing about the item and bringing the new commissioners up to date on it. (12:14 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/0, to continue that item, to be decided definitively, prior to November 26th.**

(10/28/08 - 8 - 12:16 p.m.)

2. CONSIDER THE ADOPTION OF THE 2009 LEGISLATIVE ACTION PLAN

Karen Pan, Public Affairs Specialist, reviewed the following County Administrator’s recommendations for the 2009 Legislative Action Plans: transportation, water conservation/quality, recreation/open space, beach re-nourishment, five amendments to Florida Statutes, libraries, failing septic tanks, Health and Human Services and Housing/Ship Funding. She stated that the top three issues they were recommending this year, were the same three that were approved last year in the same order; transportation, water conservation and quality, and recreation and open space. She stated that all nine of them were important issues, but staff thought that that those were the three biggest ones to focus on with their Legislative Delegation, as well as, with the Regional Priority List from the Northeast Florida Regional Council. Wanchick stated that they would develop

full supporting documentation, once the list was established. Rich stated that it would seem appropriate to have a motion to adopt issues, as presented by staff, in the attached document. Stevenson asked the County Attorney if he had reviewed those items as they had been presented. McCormack replied that he had reviewed them. Stevenson stated that they might want to include the failing septic tanks in the top items and also the Council On Aging transportation services. Wanchick mentioned that they were trying to keep the list short, but could add it as item 10. *It was a consensus by the Board to agree to the changes made by the Chair.*

(12:28 p.m.) Motion by Rich, seconded by Sanchez, carried 4/0, to adopt the issues as presented by staff in the document as presented to the BCC and the Court Clerk, including the requested amendments as outlined by the Chairman, as priorities for the St. Johns County's 2009 Legislative Action Plan.

(12:29 p.m.) Wanchick stated that they would prepare the backup materials and give the final package to the Board in advance of the meeting with the Legislative Delegation.

The meeting recessed for lunch at 12:29 p.m. The meeting resumed at 1:38 p.m. with all four commissioners, Wanchick, Locklear, McCormack, Whitehead and Deputy Clerk, Terry Bulla present.

(10/28/08 - 9 - 1:38 p.m.)

(District 1)

3. PUBLIC HEARING - ORDINANCE REPEALING ORDINANCE NOS. 2006-ORDINANCE NOS. 2006-145, 2006-146, 2006-147 ASSOCIATED WITH THE WELLS FARM COMPREHENSIVE PLAN AMENDMENT - THIS IS A PROPOSED ORDINANCE TO REPEAL THE WELLS FARM RURAL CENTER DISTRICT (RCD) WHICH INCLUDE, ORDINANCE NOS. 2006-145, 2006-146 AND 2006-147 AND TO TERMINATE THE RELATED DEVELOPMENT AGREEMENT RECORDED IN THE PUBLIC RECORDS AS OR 2821 PG 325-357. ON NOVEMBER 15, 2006, THE BOARD OF COUNTY COMMISSIONERS APPROVED COMPREHENSIVE PLAN AMENDMENTS RELATED TO THE DEVELOPMENT OF PROPERTY LOCATED AT CR 13/JOE ASHTON ROAD/CR 208, KNOWN AS WELLS FARM, WHICH INCLUDED: ORDINANCE NO. 2006-145, AMENDING THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES TO INCLUDE THE RURAL CENTER DISTRICT. ORDINANCE NO. 2006-146, AMENDING THE FUTURE LAND USE MAP FROM AGRICULTURAL-INTENSIVE (A-I) AND RURAL/SILVICULTURAL (R/S) TO RURAL CENTER DISTRICT. ORDINANCE NO. 2006-147, AMENDING THE 5-YEAR CAPITAL IMPROVEMENT SCHEDULE. DEVELOPMENT AGREEMENT AS RECORDED IN PUBLIC RECORDS OR 2821 PG 325-257. ON JANUARY 11, 2007 THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOUND THE WELLS FARM COMPREHENSIVE PLAN AMENDMENTS NOT IN COMPLIANCE WITH THE STATE GROWTH MANAGEMENT REGULATIONS DUE TO THE AMENDMENTS NOT BEING FINANCIAL FEASIBLE. THE APPLICANT, STATE AND COUNTY HAVE NOT REACHED A SETTLEMENT IN THIS MATTER. EARLY THIS YEAR, THE APPLICANT FILED A NOTICE OF VOLUNTARY DISMISSAL AND WITHDREW FROM FURTHER DISCUSSIONS. AT THIS TIME, THE COUNTY IS ASKED TO REPEAL ORDINANCE NOS. 2006-145, 2006-146 AND 2006-147 AND TO TERMINATE THE RELATED DEVELOPMENT AGREEMENT RECORDED IN THE PUBLIC RECORDS AS OR 2821 PG 325-357, REVERTING THE SUBJECT PROPERTY BACK TO ITS PREVIOUS FUTURE LAND USE MAP DESIGNATION OF AGRICULTURAL-INTENSIVE (A-I) AND RURAL/SILVICULTURAL (R/S). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST ON SEPTEMBER 18, 2008 WITH A VOTE OF 6-0, MOTION BY WHEELER SECONDED BY LAIDLAW

Proof of publication of the notice of public hearing regarding repealing of Ordinances related to the Wells Farm Comprehensive Plan was received, having been published in *The St. Augustine Record* on October 9, 2008.

Teresa Bishop, Director Long Range Planning, gave the presentation. She noted the Department of Community Affairs had found the application to be not in compliance. She reviewed the Ordinances that were requested to be rescinded. She stated that the applicant had decided to withdraw his application, and agreed to rescind the ordinances and the development agreement.

(1:40 p.m.) **Motion by Sanchez, seconded by Rich, carried 4/0, to enact Ordinance No. 2008-53, repealing Ordinance Nos. 2006-145, 2006-146 and 2006-147 and to terminate the related Development Agreement recorded in the public records as OR 2821 PG 325-357, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2008-53

AN ORDINANCE REPEALING ORDINANCE NOS. 2005-145, 2006-146 AND 2006-147, WHICH (A) AMENDED THE 2015 COMP PLAN ORD. 2004-34, AS AMENDED, BY ADDING LANGUAGE TO THE FUTURE LAND USE ELEMENT OF THE GOALS, OBJECTIVES & POLICIES TO INCLUDE THE WELLS FARM RURAL CENTER DISTRICT, (B) AMENDED THE 2015 COMP PLAN ORD. 2005-34, AS AMENDED, BY CHANGING THE FLUM DESIGNATION FROM A-I & R/S TO RCD FOR THE WELLS FARM RURAL CENTER DISTRICT, AND (C) ADOPTED AN AMENDMENT TO THE 5-YEAR CAPITAL IMPROVEMENT SCHEDULE, 2003-2008 OF THE COMP PLAN FOR THE WELLS FARM RURAL CENTER DISTRICT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE

(10/28/08 - 10 - 1:41 p.m.)

(District 3)

4. PUBLIC HEARING -- PUD 2008-07, ROBERT F. ENSSLIN ARMORY - THIS IS A REQUEST TO REZONE 18.34 ACRES FROM OPEN RURAL (OR) AND COMMERCIAL HIGHWAY TOURIST (CHT) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE EXPANSION OF THE EXISTING FLORIDA NATIONAL GUARD ARMORY, LIMITED TO THE EXISTING STRUCTURE AND AN ACCESSORY BUILDING. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PLANNED UNIT DEVELOPMENT (PUD), SUBSTANTIALLY, MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, INCLUDING THE STATEMENT OF FACTS, THE EXISTENCE OF THE FACILITY, CONSISTENCY WITH THE MIXED USE LAND USE CATEGORY AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDS APPROVAL OF THE PUD APPLICATION (MOTION BY WILES/SECONDED BY WHEELER) BASED UPON THE SEVEN FINDINGS AS PROVIDED INCLUDING WAIVERS AS REQUESTED, PASSING BY A VOTE OF 5/0 (TWO MEMBERS ABSENT)

Proof of publication of the notice of public hearing regarding PUD 2008-07, Robert Ensslin Armory, was received having been published in *The St. Augustine Record* on October 13, 2008.

Lindsay Haga, Chief Planner, gave the presentation and stated it was to rezone 18.34 acres from OR and CHT to Planned Unit Development in order to expand upon the facility, pursuant to Policy A.1.9.5 for allowable use. She noted there were waivers associated with the request that were required in order to rezone the property to PUD and there were no objections to those waivers. She stated that the PZA had unanimously approved the request including all of the waivers.

(1:42 p.m.) Lara Deitrich, Kimley Horn and Associates, 8657 Baypine Rd., Jacksonville, summarized the request for the applicant. She explained why it was necessary to expand the site.

(1:43 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/0, to enact Ordinance 2008-54, known as PUD 2008-07, Robert E. Ensslin Armory, including all waivers one through seven, adopting findings of fact one through seven to support the motion.**

ORDINANCE NO. 2008-54

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

(10/28/08 - 11 - 1:45 p.m.)

(District 3)

5. PUBLIC HEARING - REZ-2008-11 MOULTRIE COMMERCE PARK - THIS IS A REQUEST TO REZONE 1.84 ACRES FROM COMMERCIAL INTENSIVE (CI) WITH CONDITIONS (ORD. 1984-72)) TO COMMERCIAL GENERAL (CG). THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL GENERAL (CG), SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT, THE EXISTENCE OF SIMILAR CG USES ON SITE, AND THE LOCATION OF PROPERTY WITHIN THE MIXED USE DISTRICT OF THE FUTURE LAND USE MAP. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDS APPROVAL OF THE REQUEST BY A VOTE OF 4/1 (MOTION BY LAIDLAW, SECONDED BY HANSON; WILES DISSENTING; TWO MEMBERS ABSENT). DISCUSSION DURING THE HEARING QUESTIONED THE EFFECT ON THE TAX BASE AS IT RELATES TO ZONING MATTERS

Proof of publication of the notice of public hearing regarding REZ 2008-11 Moultrie Commerce Park, was received having been published in *The St. Augustine Record* on October 13, 2008.

Lindsay Haga, Chief Planner, gave the presentation and stated it was a straight rezoning request for approximately two acres from Commercial Intensive (CI) with conditions to Commercial General (CG), to provide for churches as an allowable use within the existing

commercial uses on site. She reviewed the adjacent zoning designations. She noted the PZA had recommended approval by vote of 4/1.

(1:46 p.m.) Rich asked what restrictions there were on the property. Haga said the restrictions were related to a CG zoning category and reviewed some of the restrictions associated with that category in the previous ordinance. Rich said the ultimate affect would be a reduction in the uses of the land that would be available under CI. Haga said it just opened up different categories not listed within the ordinance. She noted that one of the new tenants would be a church. Rich asked about the dissenting vote of Wiles on the PZA. Haga said it was a broader discussion about the effect of zoning and relating to the tax base and how it might be affected.

(1:48 p.m.) Richard Lewis, 780 Ponce de Leon Blvd., said he represented the applicant, Tres Hombres, LLC. He explained the usage and said that it expanded the uses they could have based on the uses of adjacent property owners. He said CG would give them a broader tenant base. He discussed the tenants they currently had, and said there were no commercial intensive uses on the properties. He said they would actually be expanding the tax base within the development, assuming they sold the building to the church.

(1:50 p.m.) Rich asked if they had met with surrounding land owners. Lewis said they had been properly noticed as required. Rich stated that they had not received objections. Lewis responded that was the case.

(1:51 p.m.) Stevenson asked Haga the size of the site. Haga responded it was 1.8 acres. Stevenson asked if the surrounding areas were CG. Haga explained the surrounding zoning.

(1:53 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/0, to enact Ordinance No. 2008-55, known as REZ 2008-11 Moultrie Commerce Park, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2008-55

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED, HEREINAFTER, FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL INTENSIVE WITH CONDITIONS (ORDINANCE 1984-72) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(10/28/08 - 12 - 1:53 p.m.)

(District 2)

6. PUBLIC HEARING - PFS AGREE 2008-01 PROPORTIONATE FAIR SHARE CONCURRENCY AGREEMENT FOR KANGAROO STORE #1413 EXPANSION-THE PANTRY, INC., HAS PROPOSED A PROPORTIONATE FAIR SHARE CONCURRENCY AGREEMENT (AGREEMENT) TO PROVIDE IMPROVEMENTS AT THE SR 207/SR 312 INTERSECTION TO MITIGATE THE PROJECT'S PROPORTIONATE FAIR SHARE FOR IMPACTS TO SR 207 AND SR 312 PURSUANT TO SECTION 11.09.04.C IN ARTICLE XI OF THE LAND DEVELOPMENT CODE FOR THE EXPANSION OF THE EXISTING KANGAROO GAS STATION LOCATED AT THE INTERSECTION OF SR 207 AND SR 312. THE CONCURRENCY REVIEW COMMITTEE REVIEWED THE AGREEMENT ON AUGUST 14, 2008 AND SEPTEMBER 17, 2008 AND RECOMMENDED APPROVAL PROVIDED THE BCC DETERMINES THAT ONLY THE TURN-LANE IMPROVEMENT IS REQUIRED TO BE ADDED TO THE CAPITAL

IMPROVEMENT SCHEDULE (CIS) AND NOT THE 6-LANING OF SR 207 OR SR 312. THE PLANNING AND ZONING AGENCY REVIEWED THE AGREEMENT ON OCTOBER 2, 2008 AND RECOMMENDED APPROVAL (5/0 VOTE) WITH THE CAVEAT THAT THE BCC DETERMINES THAT THE 6-LANING OF THE LINK FAILURES IS NOT REQUIRED TO BE ADDED TO THE CIS, AND THE PZA DETERMINED THAT THE PROPOSED IMPROVEMENT IS A SIGNIFICANT BENEFIT TO THE TRANSPORTATION NETWORK

Proof of publication of the notice of public hearing regarding the PFS AGREE 2008-01, Proportionate Fair Share Concurrency Agreement for Kangaroo Store # 1413 Expansion, was received, having been published in *The St. Augustine Record* on September 15, 2008.

Phong Nguyen, Transportation Planning Manager, gave the presentation for the Proportionate Fair Share Concurrency Agreement for the Kangaroo Store expansion. He reviewed what was included in the expansion proposal. He noted a Denial Determination had been issued due to inadequate capacity on Link 110 and 112, which resulted in the proposed agreement. He reviewed the proposed improvements, and stated the project's proportionate fair share was calculated to be \$56,300 and the improvements were estimated to be \$61,350. He said the Concurrency Review Committee and the PZA had recommended approval with the caveat that the Board determined that the six-laning of the link deficiencies was not required to be added to the CIS.

(1:58 p.m.) Rich sought to clarify that the motion should include a provision that the link deficiency not be funded. He asked Legal staff for clarification. Whitehouse said the last line of the motion to approve, was where it should be or "improvement of SR 207, link 110, and SR 312" and the word "and" should be "or".

(2:00 p.m.) Bill Schilling, Kimley Horn and Associates, 8657 Bay Pine Rd., gave a PowerPoint presentation (Exhibit A). He noted that Items 6 and 7 went hand in hand and were subject to approval of the agreement. He gave both presentations as one.

(2:01 p.m.) Stevenson asked him to address the staff concern regarding interconnectivity.

(2:01 p.m.) Schilling introduced Lee Hawkinson, with The Pantry, the owner and operator of Kangaroo, and Director of Store Planning and Karen Taylor, Project Planner. He said he would defer to Taylor for the interconnectivity question. He explained their plans for the site, including 3 pumps, a carwash and expansion of the convenience store by up to 2,000 square feet. He said they determined that there was a transportation deficiency at SR 207 and SR 312 when considering the existing traffic and all committed traffic already approved for development. He explained the peak hour trips which would be added, and said they were generating additional impacts on those roads. He said their proposed mitigation plan included two turn lane improvements for safety reasons. Also, based on traffic projections, the cue lane for the northbound turn lane would be extended to meet DOT's design criteria. He said their proportionate fair share assessment was \$56,300 and the right turn lane proposed was approximately \$130,000, which was three to four times the actual impact that they were proposing. He said it would be a significant benefit for the County.

(2:06 p.m.) Karen Taylor, 77 Saragossa St., spoke regarding interconnectivity. She gave an overhead presentation showing the Kangaroo expansion. She explained the interconnectivity issue. She showed the existing site plan and said there was no provision for connectivity with the residential PUD and there was no provision at that time for interconnectivity to the property behind them, but they would provide for interconnectivity if it was required in the future. She noted there had been discussion that when the 312 extension went in that there might be access further to the north to the Open Rural property behind the Kangaroo store, which in all probability would become zoned

for commercial in the future. She said staff had expressed concerns about having access too close to the future intersection of SR 312.

(2:12 p.m.) Sanchez asked Bryant that when the County bought the referenced property if there had been a stipulation with the State and County that access was to be granted to the property owners. Bryant said he did not remember, but all they had requested was the right of way. Sanchez said he remembered something about access being granted to the apartments since their road would be taken up in the right of way. Taylor said they got to use the right of way until such time as it was made into a road or the other option was off of Osceola, right before they got to the school.

(2:13 p.m.) Bryant disclosed ex-parte with Taylor and Shilling and said they went over the same issues as were presented that day. Sanchez declared the same. Rich disclosed ex-parte with Shilling on the phone pertaining to the general aspects, especially transportation issues. Stevenson said she had spoken with Taylor and Shilling about that item and their efforts to get their fair share through, and other issues that had been presented that day.

(2:14 p.m.) Whitehouse discussed subsection C of the Land Development Code and said it had not been used in the manner proposed prior to today. He said it was a reasonable interpretation of that section, and it was a policy decision as to whether they wanted to do that. He said it was a way for the applicant to go forward and to pay as they went. He said they asked the Board to make a particular finding that the link, itself, the six-laning of 312 or 207, would not have to be placed in the Capital Improvement Schedule (CIS). He said the only thing that would be placed in would be the extended left hand turn lane at the light at 312 and 207. He discussed the language in the Land Development Code which said that "any improvement must be of significant benefit to the transportation network". He suggested they add the following language to the Development Agreement under Section 4B: *"in any case the construction improvements contemplated herein must be substantially complete in the reasonable determination of the County prior to the final inspection approval/CO of the contemplated development construction."* The improvements would be on the ground prior to their being allowed to do business. Schilling said they had no problem with that and did not object. He said the improvements would be substantially completed prior to the Certificate of Occupancy.

(2:18 p.m.) Stevenson said she thought the application had been going through the system since 2005. She said it was a small impact, but resolving the safety issue was a plus to the community. She said staff was interested in cash as opposed to the actual improvement. She asked Locklear if they were still interested in that aspect. Locklear said they were happy with the proposal the way it was presented. He said it was in conformance with their ordinance.

(2:21 p.m.) Bryant said they needed to move forward with it the way it was proposed. He said the 207 Corridor Group might not happen for a couple of years.

(2:22 p.m.) Sanchez commented on Bryant's comment. He said the work should not be done until the 207, 312 work was ready to be done because it might change the entire issue. Stevenson said staff said they were ready to progress, and staff did not want their project to be built without improvements to the area. She said if the 207 Group got going quickly, they would consider the payment in lieu, but they really wanted to get that improvement underway. Sanchez said it was a minor improvement compared to what was going to happen to that intersection, and it might have to be re-done.

(2:25 p.m.) Rich said the motion would include the amendments to the DO as recommended by the attorney on the record, and would also include changing the word

“and” to “or”. Whitehouse said that the change was not to the DO, but to the Concurrency and Impact Fee as outlined by the County Attorney and agreed to by the applicant.

(2:26 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/0, to approve PFS AGREE 200801 (Kangaroo #1413 Expansion Proportionate Fair Share Concurrency Agreement) finding that the proposed Agreement is consistent with requirements of Land Development Code Article XI, Concurrency Management, and that approval of the Agreement does not require the 6-lane improvement of SR207 (Link 110) or SR 312 (Link 112) to be added to the County’s Capital Improvement Schedule and including the Concurrency and Impact Fee Agreement in accordance with the language as outlined by the attorney and agreed to by the applicant.**

(2:29 p.m.) Rich asked that they never allow staff to get involved with 17 developers again. He said it created such a problem for legislators, did not work at their level and was not worth doing.

(10/28/08 - 15 - 2:30 p.m.)

(District 2)

7. PUBLIC HEARING - REZONING 2005-60, KANGAROO EXPANSION REZONING - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG). SUBJECT PROPERTY IS APPROXIMATELY 1.27 ACRES AND IS LOCATED JUST SOUTHEAST OF THE INTERSECTION OF SR 207 AND SR 312. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL GENERAL (CG) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE LAND USE AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR DECEMBER 07, 2006 HEARING BY A VOTE OF 7/0 (GRAYSON/SHEPPARD)

Proof of publication of the notice of public hearing regarding the Rezoning 2005-60 Kangaroo Expansion, was received having been published in *The St. Augustine Record* on October 13, 2008.

The item was previously discussed so Stevenson entertained a motion.

(2:30 p.m.) **Motion by Sanchez, seconded by Rich, carried 4/0, to enact Ordinance 2008-56, known as REZ 2005-60 Kangaroo Expansion, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2008-56

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 COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(Previously Consent Item 14)

(10/28/08 - 16 - 2:31 p.m.)

7A. CONSIDER A MOTION TO ADOPT A RESOLUTION TO SET A PUBLIC HEARING TO HEAR A REQUEST TO VACATE A PORTION OF RIVERSIDE BOULEVARD WITHIN RIVERDALE PLAT.

Stevenson explained that she had been notified that this item was simply a hearing notice and said she would review the map at a later time.

(2:31 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/0, to adopt Resolution No. 2008-309, setting a Public Hearing Date of December 2, 2008 at 9:00 a.m. to hear a request for the vacation of Riverside Boulevard within Riverdale Plat.**

(10/28/08 - 16 - 2:32 p.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

Rich reported that Commissioner Reardon's mother had passed away, and the details for the time of the viewing. He said Reardon and his family had suffered a great loss and said they would be at the viewing at the funeral home.

Rich spoke regarding the wash through at Summer Haven, which was in excess of 100 yards. He said there was a new inlet there and it posed an extreme danger to the people who lived there, and danger signs should be posted there.

(2:35 p.m.) Commissioner Sanchez:

No report.

(2:37 p.m.) Commissioner Stevenson:

Stevenson reported on a group meeting from the CR 210 area called the St. Johns County Helping Hands. She said they had made hand written cards for distribution to the active military. She asked Wanchick to see that they were given to the Veteran's Council for distribution. She said it was the last regular meeting of the Commission and she said they had accomplished many things and she appreciated serving with all of them. She said there would be a transition meeting. She said the performance reviews for the County Administrator were in and they were all glowing reviews. She thanked him for his service. She stated that Wanchick said he would forgo his raise in light of the difficult economic times. She said he lead by example and she really appreciated that.

(2:35 p.m.) Commissioner Bryant:

No report.

(10/28/08 - 16 - 2:36 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick thanked everyone who helped to make the meeting that day a success. He said a lot of people had put a lot of effort into making sure that things went smoothly. He said he thought it went really well, a lot of people had worked hard on it and he appreciated their input and dedication to making the new venue a success.

(10/28/08 - 16 - 2:36 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack said he would need at least one closed session meeting of the Board but they did not need to determine a date that day.

(10/28/08 - 17 - 2:40 p.m.)

CLERK OF COURT'S REPORT:

No report

(2:40 p.m.) Stevenson acknowledged the hard work of Margaret Laidlaw and her staff and stated that they were appreciated.

(2:41 p.m.) **Motion by Sanchez, seconded by Bryant, carried 4/0, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 2:41 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 427827 through 427832, totaling \$187,370.39 (10/02/08)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 427833 through 428214, totaling \$3,465,988.47 (10/07/08)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 428215 through 428238, totaling \$41,499.66 (10/09/08)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 428239 through 428558, totaling \$5,500,182.85 (10/14/08)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinances Numbers 2008-50 through 2008-52 (10/21/08)

Approved, _____ November 18 _____, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Udonnae King
Deputy Clerk

