

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER, 16, 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, 500 San Sebastian View, St. Augustine, Florida.

Present were: Cyndi Stevenson, District 1, Chair
 Ron Sanchez, District 2, Vice Chair
 Mark P. Miner, District 3
 Ken Bryan, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

(12/16/08 - 1 - 9:02 a.m.)
CALL TO ORDER

Stevenson called the meeting to order.

(12/16/08 - 1 - 9:02 a.m.)
ROLL CALL

Stevenson noted that all four commissioners were present.

(12/16/08 - 1 - 9:02 a.m.)
Sanchez gave the Invocation and Miner led the Pledge of Allegiance.

(12/16/08 - 1 - 9:04 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(12/16/08 - 1 - 9:04 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 11/18/08 - BCC Workshop Meeting
 12/02/08 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2008-354**, authorizing the County Administrator to execute a Purchase and Sale Agreement for property needed for the SR16/Heritage Landing intersection improvement project

RESOLUTION NO. 2008-354

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
COUNTY ADMINISTRATOR TO EXECUTE A**

**PURCHASE AND SALE AGREEMENT FOR PROPERTY
NEEDED FOR ROAD IMPROVEMENTS TO STATE
ROAD 16/HERITAGE LANDING INTERSECTION**

4. Motion to adopt **Resolution No. 2008-355**, accepting a Deed of Dedication for the right- of-way of Saddlebrook Lane off of Lewis Speedway

RESOLUTION NO. 2008-355

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING A DEED OF DEDICATION FOR THE
RIGHT-OF-WAY OF SADDLEBROOK LANE OFF OF
LEWIS SPEEDWAY**

5. Motion to adopt **Resolution No. 2008-356**, approving the terms, provisions, conditions, and requirements of the 07SJ1 Amendment No. 2 for a time extension from December 31, 2008 to April 30, 2011 for ongoing South Ponte Vedra Beach Shore Stabilization Feasibility Study and Emergency Dune Construction for the FDEP Beach Management Funding Assistance Program and authorizing the County Administrator, or designee, to execute the Amendment To Grant Agreement on behalf of the County

RESOLUTION NO. 2008-356

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING AND AUTHORIZING THE EXECUTION
OF THE AMENDMENT TO GRANT AGREEMENT 07SJ1
BETWEEN THE STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND ST. JOHNS
COUNTY; PROVIDING DIRECTIONS; AND
PROVIDING AN EFFECTIVE DATE**

6. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, G & H Underground Construction Inc. for the Total Base Bid amount of \$409,761.98 for Bid # 09-06 Treasure Beach Water Main Improvements
7. Motion to approve the transfer of \$35,000.00 from Health Insurance Fund Reserves (5500-59920) to Health Insurance Consulting Services (5500-53150) in order to contract with Siver Insurance Consultants for assistance in creating an RFP for major medical, dental, prescription, and vision services
8. Motion to authorize the County Administrator, or his designee, to award Bid # 09-02 Construction of Ponte Vedra Ecosystem Park (Bird Island Park), in the amount of \$532,092 to Hager Construction Company and negotiate a Contract for same
9. Motion to adopt **Resolution No. 2008-357**, recognizing unanticipated revenue in the amount of \$410,673.47 increasing the revenue budget for Park Projects Contributions [3336-36603] and appropriating to the Park Projects Improvements other than Building expenditure line [3314-56301] to be used for the Bird Island Park Project

RESOLUTION NO. 2008-357

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,**

**AMENDING THE FISCAL YEAR 2009 BUDGET TO
RECEIVE UNANTICIPATED REVENUE AND
AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS
COUNTY RECREATION AND PARKS DEPARTMENT**

10. Motion to adopt **Resolution No. 2008-358**, approving the terms, provisions and conditions of the Florida Department of Environmental Protection Innovative Waste Reduction Grant extension to institute recycling programs at Recreation and Park sites throughout St. Johns County and direct the County Administrator to execute the extension

RESOLUTION NO. 2008-358

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS, PROVISIONS,
CONDITIONS, AND REQUIREMENTS OF A FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
INNOVATIVE WASTE REDUCTION GRANT
EXTENSION FOR RECYCLING PROGRAMS IN ST.
JOHNS COUNTY PARKS, AND AUTHORIZES THE
COUNTY ADMINISTRATOR TO EXECUTE THE
EXTENSION ON BEHALF OF THE COUNTY**

11. Motion to transfer \$90,936 within the Revenue Sharing Bond Fund to reconcile the FY 09 carry-forward to the Board-approved funding level for the Administration Building project; motion to transfer \$109,145 from General Fund Reserves to provide additional project funds that resulted from arbitrage restrictions; and motion to approve the transfer \$395,809 within the 06 Sales Tax Bond to reconcile the FY 09 carry-forward to the Board-approved funding level for the EOC Building project
12. Motion to transfer \$29,857 from the Court Technology Trust Fund [1258-59920] to fund court-related technology needs as defined in Florida Statute 29.008(1)(f)2 [entitled "County Funding of Court-Related Functions" of Chapter 29 Court System Funding]
13. Motion to approve transfer of \$2,000 from Tourist Development Administration Dues and Memberships [1143-55405] and \$682 from Tourist Development Administration Travel [1143-54000] to the appropriate salary [1143-51200-\$2,677] and benefits [52400-\$5] line items within the department
14. Motion to authorize the County Administrator, or his designee, to negotiate with and if negotiations are successful enter into contract with Utility Engineering Consultant CDM for engineering and construction management services required to complete the City of St. Augustine Beach Sewer System Improvements Project

(12/16/08 - 3 - 9:04 a.m.)

PUBLIC COMMENT

Will Smith, Assistant Director Recreation & Parks Department, explained that Consent Item No. 9 was a \$410,000 donation from the Bird Island Park project. He stated that he wanted to recognize Ginny Simpson, Head of the Bird Island Park 501(c)3, Alice Decker, Mary Watson, Leslie Schmachtenberger, Carolee Bertisch, Martha Baker, Cathey Portrie, Andy Scott, Carolyn Lindsay and Alison McCallum who made the donation possible by their hard work. He noted that Construction Services was now

working on getting the project underway. The Board congratulated them on a job well done.

(9:08 a.m.) Betty Frederick, Manager of the Bookmobile Extension Services Department, 6670 US1 South, spoke regarding the new Bookmobile. She thanked the Board for allowing the library to accept the donation from St. Lucie County. She reviewed the refurbishments done to the Bookmobile and the new scheduled sites it will visit.

(12/16/08 - 4 - 9:17 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Wanchick asked that Item 1A be added to the Regular Agenda; a sub recipient grant from the State of Florida Division of Emergency Management for the shuttering of Durbin Creek Elementary School.

McCormack noted that Item 12 would be heard at 1:30 p.m. time certain.

(12/16/08 - 4 - 9:18 a.m.)

APPROVAL OF REGULAR AGENDA

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

(12/16/08 - 4 - 9:19 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE TOGETHERGREEN FELLOWS GRANT AGREEMENT OBTAINED BY AMY GILBOY MEIDE, LAND MANAGEMENT COORDINATOR, AND TO RECOGNIZE UNANTICIPATED REVENUE IN THE AMOUNT OF \$10,000

Tony Cubbedge, Land Management Manager, gave the presentation and noted they were there to recognize Amy Meide for her hard work on TogetherGreen where she had been recognized as a TogetherGreen Conservation Fellow, through the National Audubon Society. She was one of forty people selected nationally for the honor. He noted it was also a County recognition which came with a \$10,000 grant to support a conservation action plan. He said it had been a team effort with the Parks and Recreation Department, the St. Johns County Golf Course, and with help from the First Tee and the local Audubon Chapter. The project was the Greening of the Greens; the planting of native vegetation in the no-play zones at the County Golf Course, which will provide many ecological benefits and save the County dollars as well.

(9:22 a.m.) **Motion by Miner, seconded by Sanchez, carried 4/0, to adopt Resolution No. 2008-359, approving the terms and authorizing the County Administrator to execute the TogetherGreen Fellows Grant Agreement.**

RESOLUTION NO. 2008-359

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

(9:23 a.m.) **Motion by Miner, seconded by Sanchez, carried 4/0, to adopt Resolution No. 2008-360 recognizing unanticipated revenue in the amount of \$10,000 and increasing the General Fund Revenue (0001-33770) and increasing the expenditure**

budget of the Environmental Division other Local Grant Expenditure (104-55306) in the same amount.

RESOLUTION NO. 2008-360

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISION, CONDITIONS, AND REQUIREMENTS OF THE TOGETHERGREEN FELLOWS GRANT FOR A CONSERVATION ACTION PROJECT AND AUTHORIZES THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

(9:24 a.m.) Stevenson suggested that when the project was finished that a sign be erected recognizing Amy Meide for her efforts to make the project a success and in the recognition of her Fellowship, and the partnership with the National Audubon Society. Wanchick said it would be totally appropriate and they would make it happen.

(12/16/08 - 5 - 9:24 a.m.)

1A. ST. JOHNS COUNTY RETROFIT CONTRACT

Wanchick explained the agreement with the State of Florida awarding the County \$45,360 for hurricane protection for Durbin Creek Elementary School.

(9:25 a.m.) **Motion by Bryan, seconded by Miner, carried 4/0, to adopt Resolution 2008-361, approving the terms of the Sub-grant Agreement between the State of Florida Division of Emergency Management, and St. Johns County, Florida, in the amount of \$45,360.00, in order to enhance Durbin Creek Elementary School, Building 2 for use as a public shelter in emergency situations, and authorize the County Administrator, or designee, to execute the Sub-grant Agreement on behalf of the County.**

RESOLUTION NO. 2008-361

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AND AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE, TO EXECUTE A SUB-GRANT AGREEMENT WITH THE STATE OF FLORIDA IN THE AMOUNT OF \$45,360 FOR THE RETROFITTING OF DURBIN CREEK ELEMENTARY SCHOOL, BUILDING-2

(12/16/08 - 5 - 9:26 a.m.)

2. CONSIDER APPOINTMENTS TO THE PLANNING & ZONING AGENCY

Melissa Lundquist, Administrative Coordinator, gave the presentation and noted the vacancies were for Districts 3 and 4.

(9:27 a.m.) **Motion by Miner, seconded by Stevenson, carried 4/0, to appoint Septimus Conner to the Planning & Zoning Agency for a full four-year term scheduled to begin December 22, 2008 and expire December 22, 2012.**

(9:29 a.m.) **Motion by Bryan, seconded by Sanchez, failed 2/2, with Stevenson and Miner dissenting, to (re) appoint David Wiles to the Planning & Zoning Agency for a full four-year term scheduled to begin December 22, 2008 and expire December 22, 2012.**

(9:31 a.m.) **Motion by Sanchez, seconded by Bryan, carried 4/0, to (re) appoint Dick Williams to the Planning & Zoning Agency for a full four-year term scheduled to begin December 22, 2008 and expire December 22, 2012.**

(12/16/08 - 6 - 9:31 a.m.)

3. CONSIDER APPOINTMENTS TO THE CATEGORY II ARTS/GRANTS FUNDING PANEL

Melissa Lundquist, Administrative Coordinator, gave the presentation.

(9:33 a.m.) **Motion by Bryan, seconded by Miner, carried 4/0, to appoint Kim Allsup to the Category II Arts/Grants Funding Panel for a full three-year term scheduled to expire December 16, 2011.**

(9:34 a.m.) **Motion by Miner, seconded by Bryan, carried 4/0, to appoint Deborah James to the Category II Arts/Grants Funding Panel for a full three-year term scheduled to expire December 16, 2011.**

(9:35 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/0, to appoint Carol Elliott to the Category II Arts/Grants Funding Panel for a partial term scheduled to expire February 6, 2010.**

(12/16/08 - 6 - 9:37 a.m.)

4. CONSIDER AN APPOINTMENT TO THE TOURIST DEVELOPMENT

Melissa Lundquist, Administrative Coordinator, gave the presentation,.

(9:37 a.m.) **Motion by Sanchez, seconded by Miner, carried 4/0, to appoint Fred Cozby to the Tourist Development Council for a partial term scheduled to expire February 19, 2012.**

(12/16/08 - 6 - 9:38 a.m.)

5. CONSIDER ALLOWING THE TOURIST DEVELOPMENT COUNCIL (TDC) TO ELECT ITS CHAIR FOR THE 2009 YEAR

Stevenson introduced the item and said that the Board had made a change to the Ordinance about a year ago for the TDC Chair appointments, to allow the Board of County Commissioners the option to appoint or elect, annually, the Chairman of the Tourist Development Council. She stated she had asked the Vice-Chair to complete Commissioner Manuel's unexpired term, and she was asking the Board to consider allowing the Tourist Development Council to appoint their own Chair. She noted that the BCC had significant control over the TDC with the ability to amend their funding recommendations and to appoint their members.

(9:39 a.m.) **Motion by Sanchez, seconded by Bryan, carried 4/0, to allow the Tourist Development Council to elect its Chair for the 2009 Year.**

Stevenson suggested this should be added to the calendar for next year, several months in advance. McCormack noted that the ability for choice had been in the Ordinance since 1998.

(12/16/08 - 6 - 9:41 a.m.)

(DISTRICT 2)

6. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTRACT TO THE LOW BIDDER, WESTWIND CONTRACTING, INC. FOR THE TOTAL BASE BID AMOUNT OF \$1,609,875.90 FOR BID # 09-01 QUAD CULVERT REPLACEMENT AT CR 208 OVER BRANCH OF SIX MILE CREEK

Joe Burch, Purchasing Director, gave the presentation and explained the necessity for the request.

(9:42 a.m.) Motion by Sanchez, seconded by Bryan, carried 4/0, to authorize the County Administrator, or his designee, to award a contract to the low bidder, Westwind Contracting, Inc. for the Total Base Bid amount of \$1,609,875.90 for Bid # 09-01 Quad Culvert Replacement at CR 208 over the Branch of Six Mile Creek.

(12/16/08 - 7 - 9:44 a.m.) (DISTRICT 2)

7. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTRACT TO THE LOW BIDDER, S.E. CLINE, FOR THE BASE BID PORTION OF THE PROJECT IN THE AMOUNT OF \$1,060,255 FOR BID #09-04, RECONSTRUCTION OF WEST KING STREET-SEGMENT 3 (APPROXIMATELY 0.25 MILES OF WEST KING STREET FROM MACKEY LANE TO A POINT APPROXIMATELY 300-FT WEST OF THE WEST KING STREET/US-1 INTERSECTION)

Joe Burch, Purchasing Director, gave the presentation and explained the necessity of the request. He noted that the water portion of the project would be paid for by the City of St. Augustine, as it was their water main. He said the County would handle only the roadway portion of the project.

(9:45 a.m.) Motion by Sanchez, seconded by Miner, carried 4/0, to authorize the County Administrator, or his designee, to award a contract to the low bidder, S.E. Cline, for the Base Bid portion of the project in the amount of \$1,060,255 for Bid # 09-04 Reconstruction of West King Street-Segment 3.

(12/16/08 - 7 - 9:46 a.m.) (DISTRICT 2)

8. CONSIDER A MOTION TO ADOPT A RESOLUTION TO EXERCISE THE RIGHT AND POWER OF EMINENT DOMAIN FOR ACQUISITION OF RIGHT-OF-WAY ALONG HOLMES BOULEVARD AND STATE ROAD 207

Patrick McCormack, County Attorney, gave the presentation and explained why the County needed to exercise eminent domain in order to acquire right-of-way along SR 207, due to development in that area. He said the resolution was requesting authorization from the Board to exercise that eminent domain. He said the costs would be born by the developer in that area through a concurrency and impact fee credit agreement.

(9:48 a.m.) Stevenson noted that eminent domain was always a hard thing. McCormack noted that it did not involve the taking of any homes or structures, but pertained to property right along the SR 207 right-of-way and was simply needed for expanding and improving an intersection. Bryan noted that the property was in default at the present time. McCormack said that was correct and that was partly why they were making the request.

(9:49 a.m.) Motion by Sanchez, seconded by Miner, carried 4/0, to adopt Resolution No. 2008-362, to exercise the right and power of eminent domain for acquisition of right-of-way along Holmes Boulevard and State Road 207.

RESOLUTION NO. 2008-362

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

**FOR THE CONSTRUCTION OF COUNTY ROADWAY
AND AUTHORIZING THE COUNTY ATTORNEY TO
INSTITUTE CONDEMNATION PROCEEDINGS**

(12/16/08 - 8 - 9:50 a.m.)

(DISTRICT 3)

9. PUBLIC HEARING - SR 207 CORRIDOR IMPROVEMENT GROUP DEVELOPMENT AGREEMENT MODIFICATION - THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS. THE FIRST PUBLIC HEARING WAS HELD BEFORE THE PLANNING AND ZONING AGENCY ON NOVEMBER 20, 2008. THE PZA RECOMMENDED APPROVAL (7-0) OF THE PROPOSED MODIFICATION AS REVISED ON NOVEMBER 20, 2008. THE PURPOSE OF THE DEVELOPMENT AGREEMENT MODIFICATION (DEVAGRMOD 2008-01) AS REQUESTED BY THE SR 207 CORRIDOR IMPROVEMENT GROUP, LLC (CIG DEVELOPERS) IS TO: RELIEVE THE CIG DEVELOPERS OF THE RESPONSIBILITY OF CONSTRUCTING THE SR 312 IMPROVEMENTS BY PAYING UNTO THE COUNTY THE TOTAL AMOUNT OF \$1,613,078 (\$1,681,436 ORIGINAL COST ESTIMATE LESS \$68,358 PREVIOUSLY PAID BY CIG DEVELOPERS UNDER AGREEMENTS OR CONTRACTS WITH ENGINEERS, SURVEYORS, AND OTHER CONSULTANTS RELATED TO OR IN CONNECTION WITH THE SR 312 IMPROVEMENTS.) NO LATER THAN JANUARY 10, 2009; AND NO LATER THAN JANUARY 10, 2009, CIG DEVELOPMENTS SHALL ALSO PAY A NON-REFUNDABLE EXTENSION FEE IN THE TOTAL AMOUNT OF \$252,251 TO BE UTILIZED FOR TRANSPORTATION IMPROVEMENTS AS DETERMINED BY THE COUNTY; EXTEND THE REQUIREMENT TO FUND THE REMAINING CORRIDOR IMPROVEMENTS IN THE AMOUNT OF \$14,520,896 NO LATER THAN JANUARY 10, 2011; DELETE PARAGRAPH 1(A)(II) OF THE FIRST AMENDMENT TO THE DEVELOPMENT AND IMPACT FEE CREDIT AGREEMENT (DEVAGRMOD 2007-01), WHICH WILL RELIEVE THE CIG DEVELOPERS FROM BEING REQUIRED TO PAY A "COST INCREASE PERCENTAGE" ON THE COST OF THE CORRIDOR IMPROVEMENTS; RELEASE OF THE BONDS OR OTHER SECURITY POSTED BY THE CIG DEVELOPERS TO ENSURE THE CONSTRUCTION OF THE SR 312 IMPROVEMENTS UPON FULL PAYMENT BY THE CIG DEVELOPERS TO THE COUNTY OF THE FUNDS TO CONSTRUCT THE SR 312 IMPROVEMENTS; AND EXTEND THE TIME TO COMMENCE CONSTRUCTION OF THE SR 312 IMPROVEMENTS TO JUNE 10, 2010, AND THE TIME TO COMMENCE THE CORRIDOR IMPROVEMENTS TO WITHIN THREE YEARS OF JANUARY 10, 2011, OR WITHIN THREE YEARS OF ISSUANCE OF A BUILDING PERMIT OR ITS FUNCTIONAL EQUIVALENT

Proof of publication of the notice of public hearing on Development Agreement Modification-SR 207 Corridor Improvement Group was received, having been published in *The St. Augustine Record* on November 5, 2008.

Phong Nguyen, Transportation Planning Manager, gave the presentation. He noted that it was the second hearing with the first hearing having been held on November 20, 2008 before the Planning and Zoning Agency. He reviewed the background and the commitments of the applicant and the County. He stated that the applicant was proposing to make the following changes: instead of constructing the improvements at SR 312 and US 1, the applicant was proposing to pay the \$1.613 million to the County for the construction of the intersections identified. They also had requested a two year extension to pay the \$14.5 million by January 10, 2011, and in doing so they would pay a non-refundable extension fee in the amount of \$252,251 by January 10, 2009. He said that would change the County commitment as follows: the applicant would be relieved of the responsibility of construction of SR 312 and US 1 improvements, the payment would be extended two years out until January 10, 2011 so the applicant could pay the remaining commitments in the amount of \$14.5 million. He said the County would

have to commence construction of the corridor improvements by May 15, 2011 and commence construction of the SR 312 and US1 intersections by June 10, 2010. The County would release the construction bonds currently held in the amount of \$1.933 million. He reviewed the current status of the projects. He said the PZA had approved the plan on November 20, 2008, with a vote of 7/0 and that staff supported the modification as revised.

(9:58 a.m.) Doug Burnett, 170 Malaga St., along with Bill Shilling of Kimley Horn, gave the presentation. Burnett gave a history of the 207 Group and explained why they had organized into one cohesive group. He noted the agreement with the County was a development agreement, not a proportionate fair share agreement, under which the total amount for the improvements would be paid by the group. He reviewed the request they were making that day. He explained why the improvements were important to the County and listed many of the proposed improvements. He reviewed the cost estimates done by Kimley Horn, which represented \$228,000 that the County could receive, if the County was able to construct it at the amount the cost estimates reflected.

Burnett said that his client did not want to pay the \$252,000 extension fee. He noted that staff had requested it based on the prior extension fee required by the Board. He gave his arguments as to why they should not have to pay the fee. He said the fundamental principles of concurrency would still be met if the extension was granted. He said it would allow those projects to move forward that wished to do so, and the other projects would have an additional two years to pay. He stated that their projects would not have to move forward, and could not do so, until they paid their individual amount.

(10:08 a.m.) Stevenson said she would like to give staff an opportunity to study the proposal, and recessed the meeting for a staff break. The meeting reconvened at 10:26 a.m.

Stevenson noted that prior to the recess, some comments were made that did not get recorded, and Sanchez repeated that a speaker card by Kathryn Whittington had been presented for Regular Item No. 8, which said she would speak only if needed. He said they had proceeded with their vote based on the fact that it was apparent that her input would not be needed. He said he wanted to make that fact public for the record.

(10:27 a.m.) Stevenson resumed with the 207 Group discussion. Burnett noted that what was in their packets currently was the same as what had gone before the PZA, was unanimously supported by PZA, and had the support of staff. He said the only change was the elimination of the \$252,000 extension fee.

(10:28 a.m.) Sanchez said the PZA had not heard their request to eliminate the extension fee. He said it was new to the Board and it bothered him. He said he supported the item as it had been presented, but had a problem with the fee. He said he wanted to hear the same exact thing the PZA had heard.

(10:30 a.m.) Stevenson asked staff to explain the business reason for the non-refundable extension fee.

(10:30 a.m.) Wanchick stated that staff supported the PZA recommendation, which was negotiated in good faith. He said to deviate from that was not in the best interest of the County. He said it might be different if it had been proposed earlier, but he was uncomfortable with a decision of that magnitude being made without prior study and at the last moment.

(10:31 a.m.) Miner said he was not comfortable with the deviation either. He noted however, that a \$2.6 million windfall would be going to the taxpayers. Wanchick said that windfall was based on current construction estimates and it could change over night if and when economic conditions changed in the construction industry. Discussion ensued regarding the fluctuating dollar amounts.

(10:32 a.m.) Sanchez again said he would support the request but without the extension.

(10:33 a.m.) Nguyen stated that with the proposed changes, they committed to commence construction in 18 months on June 10, 2010.

(10:34 a.m.) Locklear stated that he would try to present a different perspective on the agreement, proposed amendments, and the dollars involved. He said in a net sum, there were no additional dollars associated with the request. He said the \$252,000 was the 15 percent added onto the bond to ensure that if the contractor went under, the County would be assured that there would be additional monies set aside for the project completion. Stevenson said it could be termed the contingency. Locklear said that was correct and it was an obligation that the developer was committed to doing, and if there were cost overruns, he would also bear that. He said the 207 Group was now asking the County to take on that obligation and an additional 15 percent to protect the County was not unreasonable.

(10:36 a.m.) Bryan said he shared some of the same sentiments that Sanchez had expressed regarding deviations to what had been sent to the PZA. He said it was not fair for deviations to come up at the last minute, as they depended heavily on staff and the PZA to do due diligence on the projects before they came to the BCC. He said it bothered him and he hoped not to see that sort of thing happen again in the future.

(10:37 a.m.) Burnett said he had conferred with some of the board member of the 207 Group who were present, and they had heard their comments load and clear. He asked if would be prudent to ask the Commission to approve the agreement and then allow them to take the issue of the \$252,000 back to the PZA.

(10:38 a.m.) McCormack asked Burnett to clarify, on the record, that they would ask the Board to approve the request as presented to the PZA and to the BCC that day, and then return to the PZA, and if the \$252,000 waiver was approved, they would return to the BCC with a brand new revision. Burnett said yes.

(10:38 a.m.) Burnett said the only issue was that they would have to pay another fee for the amendment. Stevenson asked if they would like for them to waive the fee so that they could get rid of the subject fee.

(10:40 a.m.) Wanchick stated he was uncomfortable with the matter. He said the prudent thing to do would be to approve or deny the PZA recommendation only, or continue the item.

(10:41 a.m.) Motion by Miner, seconded by Sanchez, carried 4/0, to approve DEVAGRMOD 2008-01, a modification to the SR 207 Corridor Improvement Group Development and Impact Fee Agreement dated November 14, 2006, and the first amendment to the CIG dated December 11, 2007.

(12/16/08 - 10 - 10:42 a.m.)

(DISTRICT 1)

10. CONSIDER A MOTION TO ADOPT A RESOLUTION CONSENTING TO THE REQUEST FOR SPECIAL POWERS, LIMITED TO THE PURCHASE OF REAL PROPERTY FOR THE PURPOSE OF ST. JOHNS COUNTY FIRE PREVENTION AND CONTROLLED SERVICES TO COMPLY WITH SPECIAL CONDITION 30(A) OF THE DEVELOPMENT ORDER FOR THE ABERDEEN COMMUNITY DEVELOPMENT DISTRICT

Lindsay Haga, Chief Planner, gave the presentation and said it was a proposed amendment to an existing CDD for the Aberdeen Development of Regional Impact. She said it was to request Fire Service special powers to purchase land rather than to purchase or fund the construction of any fire related structures or to staff any buildings.

(10:44 a.m.) Cheryl Stuart, Hopping Green & Sams, Tallahassee, on behalf of the Aberdeen CDD, said she was available for questions. She said the site had already been accepted by the County from the District, but in order for them to spend money, they needed the legal authority from the Board.

(10:45 a.m.) **Motion by Bryan, seconded by Miner, carried 4/0, to approve Resolution No. 2008-363, consenting to the request for special powers, limited to the purchase of Real Property to comply with Special Condition 30 (a) of the Development Order.**

RESOLUTION NO. 2008-363

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AUTHORITY TO THE ABERDEEN COMMUNITY DEVELOPMENT DISTRICT TO EXERCISE SPECIAL POWERS PROVIDED FOR IN SECTION 190.012(2)(b), FLORIDA STATUTES, FOR THE SOLE PURPOSE OF COMPLYING WITH THE REQUIREMENTS OF SECTION 30(a) OF THE ABERDEEN DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; MAKING FINDINGS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE

(12/16/08 - 11 - 10:46 a.m.)

(DISTRICT 3)

11. PUBLIC HEARING - PUD 2006-26, RANCHO DEL MAR PLANNED UNIT DEVELOPMENT - THIS IS A PUBLIC HEARING CONTINUED FROM FEBRUARY 2008, REHEARD BY THE PLANNING AND ZONING AGENCY JUNE 5, 2008. THE APPLICATION HAS BEEN MODIFIED TO ADDRESS THE ISSUES RECOMMENDED BY THE PLANNING AND ZONING AGENCY. THE REQUEST SEEKS TO REZONE 530.09 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT TO CONSTRUCT A RESIDENTIAL PROJECT CONSISTING OF 424 SINGLE FAMILY UNITS LOCATED IN SOUTHEAST ST. JOHNS COUNTY. THE PLANNING AND ZONING AGENCY RECOMMENDS APPROVAL OF THE APPLICATION AS PRESENTED JUNE 5, 2008 BY A VOTE OF 5/2 (MOTION BY WHEELER, SECOND BY NELSON), SUBJECT TO THE TEXT MODIFICATIONS AS AGREED TO BY THE APPLICANT, SPECIFICALLY SECTION H.1 REGARDING EMERGENCY ACCESS, BASED UPON THE SEVEN FINDINGS OF FACT. DISCUSSION ADDRESSED THE REDUCTION IN UNITS, INCREASE IN OPEN SPACE AND THE PROVISION OF ACCESS FOR EMERGENCY SERVICES. 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 (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT, THE COMPLIANCE WITH THE VESTING DETERMINATION RELATING TO THE TOTAL NUMBER OF UNITS AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING

Proof of publication of the notice of public hearing on PUD 2006-26, Rancho del Mar, was received, having been published in *The St. Augustine Record* on December 2, 2008.

Lindsay Haga gave the presentation. She noted this request had been continued from a previous meeting earlier in the year to deal with modifications directed by the Board. She said it was presented for their approval with the modifications requested. She reviewed the project locations and the details proposed. She noted there was one waiver request regarding unifying sign plans. She noted that it was consistent with the Comprehensive Plan.

(10:52 a.m.) Sanchez said he had received an e-mail from a citizen which stated that Watson Road would be bisected, and that they would have no access to their property. Haga said she had received it that morning as well, and she would check into it. Sanchez said he had another comment about Wildwood Drive being unable to handle the traffic. He said his understanding that there would be no traffic onto Wildwood Drive, as the plan had been changed. Haga said that was correct and there would be emergency access only.

(10:53 a.m.) Bryan declared ex-parte communication regarding this item with Doug Burnett, Bill Shilling, and had reviewed the tapes from the last PZA meeting in June and the BCC meeting in February of 2008. He said an issue that had come up regarding eminent domain, and access on Watson Road, was based on an easement on that road. He said he wanted to be assured by staff that the eminent domain would not be the responsibility of the County. Haga said that was correct, and she believed that the language had been stricken.

(10:54 a.m.) Sanchez declared ex-parte. Miner declared ex-parte with Doug Burnett, Bill Shilling and with Michael and Ryan Held. Stevenson declared ex-parte with the same group and they had reviewed access to the project, discussed Watson Road improvements. Locklear said it was his understanding that Watson Road had the ability to be extended beyond the limits of that project. Haga said to Bryan, that the previously discussed language regarding eminent domain had been removed, and had been agreed to by the applicant. Miner questioned what would happen if they were unable to acquire 100 percent easement in order to improve that road for egress and access.

(10:56 a.m.) Press Tompkins, County Engineer, said the applicant had dedicated right-of-way for the entire length of the project, which would allow future expansion of Watson Road to the west, if it was necessary, and it would not sever anyone's access that existed at that time.

(10:56 a.m.) Stevenson questioned whether the road was prone to flooding over at certain times. Tompkins said he had no knowledge of it covering the road. He said it was an old chronic drainage area and improvements had been made to the area, but the current project would actually help the drainage in that area.

(10:58 a.m.) Bill Shilling, Kimley Horn and Associates, 8657 Bay Pine Rd. Suite 300, Jacksonville, said he was there representing Michael and Ryan Held, the property owners. He reviewed their location and the details of the PUD request. He noted they had changed their request to single family residential based on the previous input from the Board. He gave a review of where the project progression was currently. He said they were proposing to extend and improve Watson Road up to minor collector standards, and noted it would include sidewalks on one side. He explained that the project would contain 424 units situated over 500 acres, and they had been able to minimize their impacts to wetlands. He stated that there were varying lots sizes and explained how they were located, so as to be compatible with the surrounding lot sizes. He stated the larger lots would be along the conservation areas and would be lovely

lots. He noted they were also preserving and enhancing the capture site of Chief Osceola by constructing an eight foot unpaved trail to the site with additional buffering along the trail.

(11:06 a.m.) Stevenson commented on the center road and stated that it had no driveways loading onto it. She said that was a really good feature. Shilling said that was correct and it would address the issue of traffic speeding on the main road. He said the front yards were designed so they would not face the collector road.

(11:08 a.m.) Bryan stated that the density was essentially the same as their previous plan. Shilling said they had reduced the units by 19 lots. He said they had looked at what a reasonable density for the area should be and the figure they arrived at was 424 units. Bryan said that some of the open space area was now being used for single family lots in order to keep the numbers up. He said they had to consider density because of the increase of the number of people in the area and the increase of children in the schools. He stated that estate lots would be more preferable than the single family lots. Shilling said they had maintained their footprint in the project with the shift in density. He said they had to consider what was financially feasible. He noted they were a part of the 207 Group and had committed to \$2 million in off-site funding and a little over \$4 million in Watson Road funding. He said the project would extend water and sewer lines down Wildwood Dr. and Deer Chase Dr. to serve their project, but would benefit other projects as well. He said there were significant capital costs in the project, and as they looked at it, the 424 figure was the one that worked from a proforma standpoint.

(11:15 a.m.) Bryan encouraged the use of local tradesmen and materials, and said he would be looking for that preference in future plans. He said it was not something the Board could mandate, but it was the kind of thing that he would encourage.

(11:16 a.m.) Burnett noted that the Helds had a history of utilizing local construction companies.

(11:18 a.m.) Stevenson said that one of the causes for the delay of the project was the discovery of the capture site for Chief Osceola. She noted that she was pleased with their efforts to make access to the site available to the public. She said she was also pleased with their efforts to avoid wetland impacts.

(11:20 a.m.) Bryan asked if the buffering issue previously raised had been finalized. He asked staff to check on that with Teresa Bishop. He also offered the developer credit for their efforts to protect the gopher tortoises, with provisions to relocate the gopher tortoises to 3.5 acres set aside for that purpose. Shilling said a temporary barrier would be erected to keep them in the areas until they were able to construct new burrows.

(11:23 a.m.) **Motion by Miner, seconded by Sanchez, carried 4/0, to enact Ordinance No. 2008-59, known as PUD 2006-26, Rancho Del Mar, adopting findings of fact to support the motion.**

ORDINANCE NO. 2008-59

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

It was noted that the next two items were related and were time certain for 1:30 p.m. Stevenson suggested that they move on to the Commissioner Comments.

(12/16/08 - 14 - 11:23 a.m.)

COMMISSIONERS' REPORTS

Commissioner Bryan:

Bryan shared information from his attendance at the recent St. Johns County Health Improvement Council. He said they had identified twelve key issues: breast cancer death rates being high among women, melanoma cancer, stroke rates high among non-whites, diabetes rates high among non-whites, alcohol related crash clustered around venues serving alcohol, suicide rates higher than average, especially among whites, need for better coverage of flu vaccine, and alcohol binge drinking. He said that they would take these issues on, in order to try to address them. He noted that the closing of the Hastings Medical Clinic was also an issue, as well as the decrease in OB/GYN providers and no level two in the ICU and no trauma center. He said they had identified some strategies including: more utilization of mobile units from St. Vincent's and the St. Johns County Hospital in traditional underserved areas, a central data base, a directory of health related sources, stronger community coordination with emerging faith based initiatives, and coordination with new regional service center for youth in West Augustine. He said they were working on a grant to help them to develop and build a data base which would be a helpline to individuals in the county. He said preventive methods needed to be emphasized in order to prevent numerous illnesses.

(11:28 a.m.)

Commissioner Sanchez:

Sanchez stated that the Amphitheatre was doing quite well, and they had been nominated by Poll Star Magazine to enter into competition for the best venue under 10,000 seats, and they had already won the under 5,000 seats. He said there was a hard working crew there, and they had done an excellent job. He reviewed some of the names who would be appearing at the Amphitheatre in the near future. He said he would also like to ask the Board to address State legislators and the Governor about the cutbacks to the school budgets. He said he would like to get Board consensus for a letter to be drafted and signed by the Board Chair to ask them to lay off the school system. He said they had no other source of revenue and their hands were tied. He said it was damaging our children. *There was Board consensus for the Administrator to draw up such a letter to be signed by the Board Chair and forwarded to the appropriate individuals.* Bryan asked parents to also draft and submit similar letters.

(11:34 a.m.)

Commissioner Miner:

Miner reported on his meeting with the Industrial Development Authority, which had received the results of a study that he would be passing along to all of them and to Administration. He said their next meeting would be January 26, and he had asked Wanchick to attend as well. He also read from an e-mail he had received from a soldier stationed in Germany, Spc. Matt Steinhouse, who stated that he served with Sgt. Tutten and was stationed with him at Ft. Bragg for over a year, including time in Iraq. He thanked them for all they had done and asked them to keep pushing to save his memory. He said he was with Tutten when he lost his life last December. He thanked the previous board for all they had done on the road re-naming and thanked Congress Mica for his efforts in getting his memory in the Congressional Record and also the VFW Post 2391 for re-naming the post after him.

(11:35 a.m.)

Commissioner Stevenson:

Stevenson said she had met with the Northeast Transportation Authority and with Secretary Baldwin to discuss the transition they were experiencing on the funding of roads and the revenue shortfalls. She reported that the FDOT budget was looking at a \$3 billion shortfall, which resulted in the loss of some current year funded projects, including the 9-B extension from 9-A to the county line. She said the TPO had decided to advance the regional agenda for funding from the national initiative, and it included funding for 9-B. She said a letter had gone to Nancy Pelosi and to state leadership, and it should be discussed with Congressman Mica as well. She said there had also been an impressive presentation about commuter rail and their plans, but it appeared that commuter rail would be a number of years out. Still, she noted, we needed to be preparing our plans for the future. She stated that last week the St. Johns Water Management District had a land acquisition meeting at the Whitney Labs area. She said they had a program on the progress they had made on the water quality of the St. Johns River and restoring about a fifth of the lost wetlands, and their progress with Lake Apopka. She said there was also a discussion of the Matanzas Basin plan. She added that the Stormwater runoff legislation had been delayed by Governor Crist, and more emphasis would probably go into the Matanzas Basin area as a prototype. She said they had been requested to have a workshop with the Water Management District, and they would like an informal meeting and to be placed on the Board's agenda.

(12/16/08 - 15 - 11:40 a.m.)

COUNTY ADMINISTRATOR'S REPORT

There was no report.

(12/16/08 - 15 - 11:40 a.m.)

COUNTY ATTORNEY'S REPORT

There was no report.

(12/16/08 - 15 - 11:40 a.m.)

CLERK OF COURT'S REPORT

There was no report.

(11:40 a.m.) Stevenson announced that the Board would recess for lunch. The meeting was reconvened at 1:30 p.m. with all four commissioners, Wanchick, McCormack, and Deputy Clerk Lenora Newsome present.

(12/16/08 - 15 - 1:30 p.m.)

(DISTRICT 3)

12. PUBLIC HEARING - PUD 2008-06, HYDRO-ALUMINUM - THIS IS A REQUEST TO REZONE 103.84 ACRES FROM OPEN RURAL (OR) AND INDUSTRIAL WAREHOUSE (IW) TO PUD FOR THE CONTINUED OPERATION AND EXPANSION OF THE HYDRO-ALUMINUM FACILITY. 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, THE LOCATION OF THE PROPERTY WITHIN THE INDUSTRIAL, RESIDENTIAL-C, AND MIXED USE LAND USES 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 PROJECT AT THEIR NOVEMBER 6, 2008 HEARING BY A VOTE OF 5 TO 2 (MOTION BY WHEELER/LAIDLAW WITH DISSENTING VOTES FROM NELSON/WILES). CONCERNS EXPRESSED BY THE DISSENTING VOTERS CENTERED ON THE RELATIONSHIP OF INDUSTRIAL ADJACENT TO RESIDENTIAL, ESTABLISHING AN INDUSTRIAL CORRIDOR IN AN INAPPROPRIATE AREA AND POLICY A.1.3 WHICH DISCUSSES PLACEMENT OF FUTURE LAND USE LOCATIONS SO THAT THEY ARE COMPATIBLE AND COMPLEMENTARY TO EACH OTHER

Proof of publication of the notice of public hearing on PUD 2008-06, Hydro-Aluminum, was received, having been published in *The St. Augustine Record* on December 4, 2008.

Michael Blackford, Planner II, Planning Division, reviewed this item giving a brief history of it, turning in e-mails from adjacent property owners and the Exhibit C Master Development Plan Text, *Exhibit A*. He stated that there were two waivers requested; the unified sign plan and the ten foot perimeter buffer. He stated that the change in the phasing section in Phase 2A was that it would not begin construction within three years of approval. Bryan asked about the noise issue. Blackford responded that the noise portion of it would remain the same. Bryan mentioned taking care of the noise issue and spoke on the wall issue. Blackford responded. McCormack mentioned the commissioners disclosing ex-parte communication and the public speakers going first. Bryan disclosed ex-parte communication with the general manager and other people, and taking a tour of the project. Sanchez disclosed ex-part communication with management and Karen Taylor and taking a tour of the project. Miner disclosed ex-part communication with Mr. Dionne, Karen Taylor, and senior members of the staff regarding getting a tour of the facility, what they do now, and what the expansion would entail. He stated that he met with Mr. Bob Peabody who spoke in opposition of the project and was a resident of Tuscany, and Doug Laidlaw with PZA, and received multiple e-mails for and against the project. Stevenson disclosed ex-part communication with Matt Dionne, Karen Taylor, and a representative from Florida Manufacturers regarding what they do now, the role they plan in providing raw materials that benefit other manufacturers in the area, some of the improvements made since the item was before the commission in 2006, and stated that she visited the site.

(1:47 p.m.) Karen Taylor, 77 Saragossa Street, stated that she wanted to add to the record a little more brief history of why they were at the meeting. She spoke on planned unit development, rezoning, and buffers. She stated that this request was to bring the current plant facility into zoning compliance through this PUD and to include all the property that was not currently zoned. She addressed the question regarding noise, saying that everything would go on as it did currently. She reviewed the different phases on the map, *Exhibit B*. She stated that Phase 2, the blue area, allowed for additional office space; Phase 3, had a residential land use - office and residential; and Phase 4, was light industrial-warehouse and offices. She summarized the changes: limited some of the uses, the office, warehouse and location of those uses; provided for the buffers, the 225 foot strip, Shores conservation area (which were not in the PUD, but were referenced); Phase 2B which was only for the Hydro Aluminum's use; Phase 2A which was development only on the Southside; and Phase 4 activity, only on the south portion. She stated that they limited the height of the one building up to sixty feet because of fire service requirements, but the remainder of the PUD had a 35 foot height limit. She stated that they were consistent with the COMP Plan, land use requirements, doing the PUD using the Land Development Code, and to bring them into conformance. Minor asked about the traffic increase on Roehrs Road. Taylor responded that Roehrs Road was built by VAW and built to serve this particular property. Stevenson questioned if there was going to be any improvements to Roehrs Road. Taylor responded that they had limitations in the PUD to bring it up to collector standards. Stevenson asked what the current average daily uses were on the road, and

if it was up to the 2,000. Taylor replied no, because of how it was calculated. Stevenson asked about including sidewalks. Taylor replied yes. Stevenson spoke on access. Taylor spoke on the number of employees and stated that all activities were related to Hydro. Bryan spoke on the increased production and clarification of liquid paint changing to a powder type. Minor asked about the connection to Datil Pepper Road. Taylor replied that was an option but they did not own the property.

(2:16 p.m.) Matthew Dionne, 392 Clearwater Drive, representing Hydro Aluminum, stated that they used about 95 vendors from St. Johns and the surrounding counties. He stated that he had with him an additional 10 signed letters from vendors that were not able to attend. He stated that Hydro Aluminum, along with VAW, had been in continuous operation in St. Johns County for 30 years. He stated that the PUD application was necessary for Hydro to make changes in the future, in order to exist for another 30 years. He said for Hydro Aluminum, this PUD process began over two years ago when they applied for, and were granted by the County Commission, an amendment change to the land use map. He mentioned that during that hearing process, they learned that some of the residents in the Tuscany subdivision had concerns about noise level, unchecked growth, environmental impact, traffic, and security issues. He stated that at that time, they made a concerted effort to be a good corporate neighbor and addressed the issues. They did this by voluntarily, moving the scrap that was previously stored in a cleared lot in the northern parcel of property, designating approximately 40 acres of Hydro land to provide distance between the facilities and the neighbors, purchasing 30 additional acres in the west to provide additional distance for sound related issues, changing their operations procedures and discontinued the receiving and dumping of external scrap trailers after the hours of 7 p.m. and before 7 a.m. He stated that this PUD did not remove their obligation to deal with noise issues. Dionne stated that this PUD was designed to protect both neighbors and Hydro on growth issues. He stated, with regards to environmental concerns, that they were monitored annually by the EPA, Florida DEP, St. Johns Water Management District and County Utilities. He spoke on the white smoke that came from the smoke stacks, traffic issues, increasing workforce, security, and removing propane tanks and adding a natural gas line. He also spoke on having an economic impact in St. Johns County.

(2:31 p.m.) John Metcalf, 245 Riverside Avenue, representing Cottages of Winding Creek, voiced concern about a tract of land that Hydro Aluminum referred to as an out parcel that was not listed in the PUD. He stated that Hydro Aluminum told them that the purpose of acquiring that land was for buffering. He stated that they asked Hydro Aluminum to commit to recording a Covenant and Restriction document, 225 foot in width from their property line thru Phase 2b, making it an undisturbed natural buffer. He stated that they wanted to make it contingent on the Covenant and Restriction document being recorded.

(2:34 p.m.) Tom Phillips, 212 Bilbao Drive, representing about 150 paid, subscribing, neighbors in and around Tuscany, said they were concerned about the noise and concluded that Hydro was unable to meet the noise codes of St. Johns County. He stated that, increased production equaled increased scraping operations, which equaled increased noise. He voiced concern about the school being so close, and stated that there was no case that could be made for this type of operation in their community.

(2:40 p.m.) Marsha Chance, 168 Fonseca Drive, spoke on property values. She stated that the noise was so loud that they could not open their windows. She suggested continuing the wall down the property, and asked the Board to deny the application, and for them to require Hydro Aluminum to comply in all respects with the compatibility requirement set forth in the Comprehensive Plan.

(2:45 p.m.) William F. Kennedy, 240 Deportivo Drive, spoke on when Hydro Aluminum acquired all their land and investments. He spoke on them expanding over the years, and stated that the peak times were what bothered people. He mentioned that he was a retired engineer that he reviewed all the County Ordinances and that Hydro Aluminum was not in compliance. He stated that he had a copy of the report and there were four separate violations by Hydro Aluminum. McCormack recommended that Kennedy give a brief summary of the items. Kennedy spoke on hazardous waste issues, *Exhibit C*.

(2:57 p.m.) Jerry Zinn, 124 Fonseca Drive, spoke on the factory being surrounded on three sides by residential. He stated that thousands of people had been allowed to move close to the plant, spoke on compatibility, and asked if expansion should be allowed to violate the code. He spoke on access from Shores Road and stated that they were asking to help Hydro comply on a consistent basis.

(3:03 p.m.) Judith Zinn, 124 Fonseca Drive, spoke on being adjacent to the production area. She spoke on the necessity of cleaning emissions from their property. She spoke on the production and scrap area. She asked the Board not to accept this project unless corrections were made.

Jon Zenda, 141 Hondo Drive, stated that it might be good for the County, but was not good for the schools and the neighborhoods. He said that Hydro Aluminum needed to enclose their factory, and that the access areas were too small for the big trucks.

(3:11 p.m.) Nick Lekas, 592 Christina Drive, stated that he had been working at that plant since 1991, and it had given him the opportunity to provide a certain lifestyle for his family. He reviewed what Hydro Aluminum did and stated that he was in favor of the project.

(3:15 p.m.) Dale Ranney, 233 Barzo Road, vendor to Hydro Aluminum, stated that Hydro took their environmental concerns seriously. He stated that they were one of the few companies that had a 20-year plan, and that he was in favor of the project.

(3:16 p.m.) William Roark, 233 Barco Road, vendor of Hydro Aluminum, stated that Hydro had always treated his family as a corporate family, and that he was in favor of the project.

(3:18 p.m.) Roger Schlievert, 204 Phoenetia Drive, spoke on working for Hydro and what the company meant to him. He stated that he was able to get a degree in occupational safety because of Hydro. He spoke on Hydro bailing out many places, and stated that he was in favor of the project.

The meeting recessed at 3:23 p.m. and reconvened at 3:41 p.m.

(3:42 p.m.) Lad Daniels, 8510 Royal Lakes, Jacksonville, spoke in support of Hydro. He spoke about their community commitment, and said they were an exemplary citizen. He said they had a workforce that would make them competitive, and were the type of employees they needed in the community. He said they were good environmental stewards. He noted that in the economic arena they were trying to attract international companies, and they were a prime example.

(3:45 p.m.) Joseph Racano, 213 Cacique Drive, said they were not asking for the plant to close, but to comply with the requests of the neighbors. He asked them to prevent the expansion of the Hydro Aluminum plant and noted the affects it would have on the local residents. He read a letter into the record, *Exhibit D*.

(3:52 p.m.) Paula Holanchock, 3670 US 1 South, stated that Hydro Aluminum improved their quality of life by partnering with educational institutions such as Flagler College, and spoke in favor of the project.

(3:56 p.m.) Helen Toby, 904 Palermo Road, spoke in favor of Hydro Aluminum.

(3:59 p.m.) Nick Sacia, Chamber of Commerce Economic Development Council, 1 Riberia Street, spoke on economic development, companies consolidating, and stated that Hydro did not take money out of the county, but put money in the county. He spoke in favor of the project. Stevenson asked about the multiplier affect, and spoke on having a diverse economy. Sacia responded.

(4:06 p.m.) Gary Bruce, 303 Cortez Drive, spoke on the PUD, future and growth. He spoke in favor of Hydro Aluminum.

(4:10 p.m.) McCormack stated that Kennedy had something to enter into the record, Hydro Aluminum Smelting Plant, *Exhibit E*.

(4:10 p.m.) Renee Morris, 70 Washington Street, St. Francis House, spoke on Hydro Aluminum sponsoring the St. Francis House.

(4:13 p.m.) Ed Paucek, 970 Irma Way, asked the Board to list the two new commissioners on the web site. He spoke on Hydro Aluminum's support for the community.

(4:15 p.m.) Andy Chance, 120 Heron Road, spoke in behalf of the St. Johns Builders Council supporting Hydro Aluminum, and stated that Hydro supported their business and the County in taxes.

(4:18 p.m.) Tonya Albanese, 184 Fonseca Drive, spoke in opposition of the expansion of Hydro Aluminum.

(4:20 p.m.) Joseph Krau, 2825 North 10th Street, spoke in favor of Hydro Aluminum's application, stating that they needed to protect the jobs that currently existed in St. Johns County.

(4:21 p.m.) Sheryl Floyd, 155 Ford Street, spoke in favor of Hydro Aluminum's application.

(4:23 p.m.) Vernon Davis, 77 Dolphin Drive, stated that he was a contractor for Hydro Aluminum and VAW since 1988. He spoke in favor of Hydro Aluminum's application.

(4:26 p.m.) McCormack summarized letters from Rick Burke and Sandra Atkins into the record, *Exhibit F*.

(4:28 p.m.) Chris Jeffery, 6348 Salado Road, HSC Manager for Hydro Aluminum, addressed each of the environmental issues that were brought up earlier; their safety record, and permits received through DEP for melting scrap. He spoke on letters of concerns from the Hazardous Waste Division regarding hazardous waste and stated that they had been taken care of the issue. Bryan asked about using a lot of water, how the water was treated and disposed of. Jeffery responded. Bryan asked about dispersing grease and other solids. Jeffrey replied that they had certain standards to comply with when discharging into St. Johns County Utility facilities. Minor asked about addressing the noise wall, *Exhibit G*. Discussion followed on the noise wall.

(4:39 p.m.) Sid Ansbacher, 50 North Laura Street, Jacksonville, spoke on agreeing to the 225 foot buffer, implementing the industrial plan, and a letter regarding General Summary/Chronology of Zoning Action, *Exhibit H*.

(4:44 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Terry Bulla entered the meeting.

Ansbacher continued. He reviewed various maps of the industrial parcels over a period of years and how they had changed. He showed the conservation buffer which was still in existence today. He said the real background of the plant was from 1973 forward for industrial warehouse use, consistent with what was then allowed for that use, and from 1978 forward, it was shown as an existing plant, as VAW on the zoning maps, until there were rezonings consistent with the Comp Plan amendments of several years ago. He said the record before them compelled a rezoning, to be consistent with the plan amendment.

(4:50 p.m.) Taylor addressed the issue raised regarding the decrease of property values. She said that when those houses went in, the plant was already there and was operating at a more intense level than it was at the current time. She said everyone was facing a decrease in property values due to the economic downturn, and should not be blamed on Hydro Aluminum. She also said that noise regulations were included in the PUD based on studies which had been conducted. She said the Hydro Aluminum people would continue to work with the community on the noise issues. She said there were questions on expansion, and reviewed what the actual plans for expansion included. She spoke regarding the land use and how it was developed for maximum compatibility with buffering. She said it was the proper way to rezone it, and asked for the Board's support.

(4:55 p.m.) Sanchez said this was a bad situation for everyone, and there were many things done by the County that created the situation, and were not done in the best interest of the citizens, but it was not done by the current Board. He said it was impossible to treat existing businesses badly without new businesses knowing about it. He said it would deter new business from coming to the County.

(4:57 p.m.) Bryan said he had to agree with Sanchez. He said homes had been sold without full disclosure by unscrupulous sellers, and they would be addressing that issue in the future. He expressed concern about tractor trailers on Roehrs Road and said it was not a good mix with passenger cars. He said they were trying to retain and generate as many businesses and jobs to the area as possible. He stated it was a difficult decision and they knew they were not going to make everyone happy. He said they were trying to do what was in the best interest of the overall community and the overall county.

(5:00 p.m.) Stevenson said she had heard from a resident who lived close to the plant whose observation was that the construction of the house seemed to affect the internal noise. She suggested that they look into that, so that people could have a good night's sleep. She also asked Ansbacher if there was any chance to add to a noise buffer to benefit another community, and she asked him to think about that. Ansbacher said they had already demonstrated that by their commitment to noise abatement. He said trees were not as good for noise abatement as structures and distance. He noted that he had never had a client who was so proactive in appeasing the community.

(5:04 p.m.) Miner said he sympathized with the noise issue, and made himself available to work with them on working to improve the noise issue. He reviewed some of the facts pertaining to Hydro Aluminum and why it was the right thing to do for the community.

(5:05 p.m.) Motion by Miner, seconded by Sanchez, carried 4/0, to enact Ordinance No. 2008-60, known as PUD 2008-06, findings of fact to support the motion.

ORDINANCE NO. 2008-60

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

(5:06 p.m.) The board recessed for five minutes and reconvened at 5:19 p.m.

(12/16/08 - 21 - 5:19 p.m.)

(DISTRICT 3)

13. PUBLIC HEARING - RESOLUTION REGARDING VACATING THE SOUTHERN PORTION OF RIVIERA BOULEVARD - THE APPLICANT, V.A.W. OF AMERICA, INCORPORATED (HYDRO-ALUMINUM, INC.), REQUESTS THE VACATION OF THE SOUTHERN PORTION OF RIVIERA BOULEVARD, AN 80 FOOT OPENED RIGHT OF WAY APPROXIMATELY 739 LINEAR FEET LYING BETWEEN ROEHRS ROAD AND THE ENTRANCE TO HYDRO-ALUMINUM. THIS SEGMENT OF RIVIERA BOULEVARD IS OPEN AND PROVIDES ACCESS VIA ROEHRS ROAD TO HYDRO-ALUMINUM AND RELATED ADJACENT PARCELS OWNED BY HYDRO-ALUMINUM. THE SOUTHERN PORTION OF RIVIERA BOULEVARD ONLY PROVIDES ACCESS TO PARCELS OWNED BY THE APPLICANT. A CONCURRENT APPLICATION FOR A REZONING TO PUD HAS BEEN SUBMITTED, WHICH IF APPROVED WILL ALLOW A MIX OF USES INCLUDING LIGHT INDUSTRIAL, OFFICE AND PROFESSIONAL USES. THERE ARE NO OPEN COMMENTS OR OBJECTIONS FROM ANY OF THE REVIEWING COUNTY DEPARTMENTS; THEREFORE, STAFF HAS NO OBJECTIONS TO THE REQUESTED ROAD RIGHT-OF-WAY VACATION

Proof of publication of the notice of public hearing on vacating the southern portion of Riviera Boulevard was received, having been published in *The St. Augustine Record* on December 1, 2008.

Karen Taylor, 77 Saragossa St., said this was related to the last item. She said it was a portion of Riviera Blvd. that served Hydro exclusively. She explained the request and said it would remove some of the liability for the County.

(5:21 p.m.) Motion by Miner, seconded by Sanchez, carried 4/0, to approve Resolution No. 2008-364, vacating the southern portion of Riviera Boulevard as described in attached "Schedule A".

RESOLUTION NO. 2008-364

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF RIVIERA BOULEVARD

(5:21 p.m.) Stevenson said the Blood Alliance from St. Johns County was running short on blood and was making an appeal for blood donations of all types. She said details would be posted on GTV.

RESOLUTION NO. 2008-364

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF RIVIERA BOULEVARD

(5:21 p.m.) Stevenson said the Blood Alliance from St. Johns County was running short on blood and was making an appeal for blood donations of all types. She said details would be posted on GTV.

(12/16/08 - 23 - 11:23 a.m.)

COMMISSIONERS' REPORTS (See page 14 for Commissioners' Reports)

(5:22 p.m.) Motion by Sanchez, seconded by Stevenson, carried 4/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 5:22 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 430371 through 430382, totaling \$248,357.93 (11/18/08)
2. St. Johns County Board of County Commissioners Check Register, Check No. 430383 through 430825, totaling \$2,138,545.97 (11/24/08)
3. St. Johns County Board of County Commissioners Check Register, Check No. 430826, totaling \$40.00 (11/25/08)
4. St. Johns County Board of County Commissioners Check Register, Check No. 430827 through 431083, totaling \$2,155,041.02 (12/02/08)
5. St. Johns County Board of County Commissioners Check Register, Check No. 431084 through 431089, totaling \$187,109.63 (12/03/08)
6. St. Johns County Board of County Commissioners Check Register, Check No. 431090 through 431112, totaling \$40,371.62 (12/04/08)

CORRESPONDENCE:

1. Letter dated November 25, 2008 from Charlie Crist, Liz Cloud, regarding the receipt of the facsimile signatures, under oath, filed by Cyndi Stevenson as Chair and Ron Sanchez as the Vice Chairman of the St. Johns County Board of County Commissioners
2. Resolution No. 2008-182 from Nassau County, Florida, was not adopted by St. Johns County in support of a constitutional amendment that requires state legislators to operate under the same sunshine law as county officials
3. Letter dated December 8, 2008 to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinances Number 2008-57 and 2008-58

Approved _____ January 20, _____, 2009

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Wanne King
Deputy Clerk