

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 18, 2003
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: James E. Bryant, District 5, Chair
Karen Stern, District 2, Vice Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
Bruce Maguire, District 4
David Halstead, Assistant County Administrator
Daniel Bosanko, County Attorney
Robin Platt, Deputy Clerk

Also Present: Cheryl Strickland, Clerk of Courts
Allen Mac Donald, Finance Director

(02/18/03 - 1 - 9:07 a.m.)

Chairman Bryant called the meeting to order.

(02/18/03 - 1 - 9:07 a.m.)

The Invocation was given by Stern and the Pledge of Allegiance was led by Maguire.

(02/18/03 - 1 - 9:08 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(02/18/03 - 1 - 9:08 a.m.)

PUBLIC COMMENT

There was none.

(02/18/03 - 1 - 9:08 a.m.)

DELETIONS TO CONSENT AGENDA

Maguire requested that Item 3 be moved from the Consent Agenda and placed on the Regular Agenda as Item 4A.

(02/18/03 - 1 - 9:09 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Approval of Minutes:
1/28/03 – Regular BCC Meeting
2/04/03 – Regular BCC Meeting
3. Motion to adopt a Resolution authorizing the Clerk of Courts to file an amended survey map of Riverdale Park claiming a vested interest in St. Johns County in the park described in this amended survey, by prescriptive rights of the public, per case law *Downing vs. Bird and City of Homestead* 100 SO.2d 57 (Fla. Dist. Ct. App.-1958).

This item was moved to the Regular Agenda as Item 4A.

4. Motion to adopt **Resolution No. 2003-28**, accepting a Grant of Easement for an outfall from Roscoe Boulevard to the Intracoastal Waterway.

RESOLUTION NO. 2003-28

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR AN OUTFALL FROM ROSCOE BOULEVARD TO THE INTRACOASTAL WATERWAY

5. Motion to adopt **Resolution No. 2003-29**, accepting and authorizing the execution of a Temporary Access Easement to a communications tower site located in North Beach Subdivision.

RESOLUTION NO. 2003-29

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED IN NORTH BEACH SUBDIVISION

6. Motion to allow the County Administrator, or his designee, to enter into contract with Atlantic Coast Asphalt Co., the low bidder, for Bid No. 03-42, for 2003 Annual Roadway Maintenance Project. (*Attachment A*)
7. Motion to allow the County Administrator, or his designee, to enter into contract under Bid No. 03-20, Construction of C.R. 210 Milling and Resurfacing with Atlantic Coast Asphalt Co. in the amount of \$222,259.00. (*Attachment B*)
8. Motion to adopt **Resolution No. 2003-30**, approving the terms and authorizing the execution of an Agreement between St. Johns County, Venetian Holdings and The Pantry, Inc. regarding access issues related to the future construction of the SR 312 Extension.

RESOLUTION NO. 2003-30

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, VENETIAN HOLDINGS, A FLORIDA

**LIMITED LIABILITY CORPORATION, AND THE
PANTRY, INC., A FLORIDA CORPORATION,
REGARDING ACCESS ISSUES RELATED TO THE
FUTURE CONSTRUCTION OF THE SR 312 EXTENSION**

9. Motion to adopt **Resolution No. 2003-31**, accepting a Grant of Easement, Temporary Construction Easements, a Reciprocal Grant of Easement, a Conservation Easement and approving the 3rd Amendment to a Purchase and Sale Agreement to extend the closing for acquisition of property for the Community Development Block Grant Project.

RESOLUTION NO. 2003-31

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING GRANT OF EASEMENTS, TEMPORARY
CONSTRUCTION EASEMENTS, RECIPROCAL GRANT
OF EASEMENT AND CONSERVATION EASEMENT
AND APPROVING 3RD AMENDMENT TO EXTEND THE
CLOSING DATE OF THE PURCHASE AND SALE
AGREEMENT FOR ACQUISITION OF PROPERTY FOR
THE COMMUNITY DEVELOPMENT BLOCK GRANT
PROJECT**

10. Motion to approve the appropriation of \$9,760.00 to hold a sale on county-held tax certificates of 1999 on parcels assessed at \$5,000.00.
11. Motion to authorize the County Administrator to execute the Economic Development Grant Agreement with Ring Power Corporation and St. Johns County.
12. Motion to authorize the transfer of \$644,674 from the Transportation Trust Fund Reserves for the purpose of paying the FY 2003 debt service on borrowing from the Pooled Commercial Paper Program for the acquisition of 760 acres of mitigation land.
13. Proofs:
- a. Proof, Notice of Public Hearing, to consider adoption of an Ordinance Clarifying and Amending Ordinance 2002-54, February 11, 2003
 - b. Proof, Notice of a Special Joint Meeting of the St. Johns County Board of County Commissioners, the St. Augustine Airport Authority and members of the St. Augustine City Commission, February 5, 2003
 - c. Proof, Notice of Meeting Cancellation, Water and Sewer Authority, February 5, 2003
 - d. Proof, Notice to Bidders, Bid No. 03-55
 - e. Proof, Certificate of Liability Insurance, American Disposal Services, LLC

(02/18/03 - 3 - 9:09 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(02/18/03 - 3 - 9:09 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/18/03 - 4 - 9:10 a.m.)

1. CONSIDER A TRANSFER OF FUNDS FROM NW PARKLAND PROJECT TO COMPLETE THE SWITZERLAND MIDDLE SCHOOL FIELDS

Dan Weimer, Parks and Recreation Department, reminded the Board that they are in the process of lighting the ball fields at the Switzerland Point Middle School and of the tremendous overflow of youth in that area. The Creeks Athletic Association's youth membership doubled in one year from 600 to 1,300. After meeting with the Association it was determined that just lighting the fields would not be enough to complete the park. He stated that the Board allocated \$1.5 million of JEA Funds for an area park facility. They would like to use some of those funds to make improvements to the Switzerland Point Middle School to relieve their needs until a larger community park could be constructed. They are recommending a transfer of \$300,000 of the JEA Funds to be used for the proposed improvements at the school. To date, \$190,000 has been spent on the lighting project. Discussion followed on the initial plan and budget for lighting the fields. Jacalone questioned what the use arrangements would be. Weimer explained that there is a Joint Use Agreement for all of the School Board's outside fields with a Memorandum of Understanding at Switzerland Point, good for one year.

(9:17 a.m.) Burt Watson, 504 Tivoli Dr., President of the Creeks Athletic Association, stated that currently there is no football or baseball for the County's middle schools. Their Association currently has 1,400 children playing soccer and 653 playing baseball and they are turning away children who want to play because there are no facilities. He also stated that the Association has put about \$35,000 into Mills Field itself.

(9:21 a.m.) Meiszer commented that he supports the improvements and recognizes the need for them, but he has reservations about the method of financing. He does not want the JEA monies used for these improvements, as the \$1.5 million is already an inadequate amount to purchase the acreage needed for a new park. He suggested a temporary loan could be made, but that would have to be repaid, or they could transfer the funds from the General Fund Reserves.

(9:25 a.m.) Bryant stated that he does not care where the funds come from, the Reserves or the JEA monies, but he would not like to see a loan. The JEA monies were initially allocated for the purchase of recreation land or for recreation infrastructure. (9:27 a.m.) Maguire requested a list of all park sites from Weimer. Weimer explained that there is a new building permit process required for building on school property.

(9:29 a.m.) Jacalone stated that he too does not have a preference as to where the funds come from, but would like to transfer the monies from the JEA Funds.

(9:30 a.m.) Stern questioned if a Joint Use Agreement is typically renewed annually. Weimer responded that in the past there were no written agreements and just last year they signed an agreement with the School Board to make it a formal process and to avoid any misunderstandings. They agreed to share the listed schools and parklands jointly. Stern commented that she would like to see a longer agreement as the County would be putting \$300,000 into the middle school. Weimer stated that both Boards usually operate on a fiscal year basis, but that he would approach the School Board about a longer commitment.

(9:35 a.m.) **Motion by Meiszer, seconded by Jacalone, that the project be approved and funded by a transfer of \$300,000 from the Reserve for Contingencies.**

(9:36 a.m.) Carl Parker, 1713 Lockney Lane, addressed the short-term and long-term objectives of the CAA and the scheduling difficulties they face with their activities. He suggested that if they could not find a good working relationship with the school they would be willing to step away from the project.

(9:39 a.m.) Bryant commented on the possibility of 40 acres becoming available and questioned how far this would go in addressing the recreation needs in the northwest part of the county. Weimer responded that it would be a two to three year process. Discussion followed regarding a regional recreational facility and working out the details of the agreement with the school.

(9:45 a.m.) Troy Blevins, Recreation Department, explained that the Memorandum of Understanding with Switzerland Point is for this year only, but that it could be extended.

(9:46 a.m.) Meiszer stated that there has been a good track record of cooperation between the School Board and the County. He also stated that a lengthy agreement would probably contain a cancellation clause with a 30 or 60 day notice so there are no guarantees with a long term agreement. He would also like to see an agreement that includes indoor facilities, such as pools and gymnasiums, as well as outdoor facilities.

(9:49 a.m.) Maguire stated that he would also like to have a letter of commitment from the CAA.

(9:50 a.m.) Parker clarified that his comment about "walking away" was a personal one, and not necessarily representative of the CAA's feelings.

(9:50 a.m.) Don Beattie, 808 Mill Pond Court, addressed the proposed student population of the northwest area of the County in relation to already approved DRIs and PUDs and requested that the Planning Department readdress their calculations as he feels that their figures are inaccurate.

(9:52 a.m.) **The motion carried 5/0.**

(02/18/03 - 5 - 9:52 a.m.)

2. PRESENTATION UPDATING THE STATUS OF THE SR A1A BRIDGES OVER THE MATANZAS RIVER (TWO SMALL BRIDGES SOUTH OF THE MATANZAS INLET)

Debra Miller, Environmental Management Department of the Florida Department of Transportation, gave a presentation of the PD&E study on the bridges and outlined the improvement schedule for the bridges. The improvements are to include: safety improvements, increased shoulder widths, crash tested railings, protected pedestrian and fishing facilities and replacing structurally deficient structures. There would be two twelve-foot travel lanes and two ten-foot shoulders. They are at the point in the process where they are ready to present their proposed alternatives to the community. She explained that these improvements are being done as part of their bridge inspection program. She also stated that the bridges were built in 1964 and were not designed to accommodate four lanes of traffic.

(02/18/03 - 6 - 10:00 a.m.)

3. UPDATE ON THE INFORMATION SYSTEMS DEPARTMENT AND ITS CAPITAL IMPROVEMENT PROGRAM

Wylie Thibault, Director of Information Systems, gave an update on his department's current CIP projects, recent improvements and upgrades and future attentions, i.e. more public access over the Internet.

(10:05 a.m.) Jacalone asked for an explanation of imaging technology. Thibault explained that it is the process of converting paper documents to an electronic format and stated that they have to follow Florida State archiving guidelines in doing so. Discussion followed regarding the availability of permitting and contractor information that is now available to the public on line.

(10:08 a.m.) Meiszer commented that there is a reluctance associated with converting paper to electronic data storage of destroying the originals. He suggested that the County adopt a records retention Ordinance that would comply with State Law. Thibault commented that the State determines what permanent media is, currently microfiche, and how long records have to be retained. Discussion followed.

(10:15 a.m.) Bosanko stated that he, as the new County Attorney, plans to reduce the paper load in the County Attorney's Office.

(10:16 a.m.) Stern stated that she contacted Thibault last week about getting the BCC Meeting Agendas on a laptop instead of having the large and cumbersome book, as she looks forward to the day of having a paperless office.

(10:19 a.m.) Bryant commented on the Community Access Program Grant that was received by St. Johns Health and Human Services for community sharing of medical information between several providers. Discussion followed regarding the compatibility of the Mental Health and Social Services Department's computer systems and the new HIPPA Regulations regarding privacy.

(10:26 a.m.) Meiszer stated that the various agencies would be sharing a database instead of all creating their own and he questioned whether an effort was being made to centralize data. Thibault responded that some departments and organizations would still need to have their own data, but the information would be shared by other agencies.

The meeting recessed at 10:32 a.m. and reconvened at 10:40 a.m. with Cheryl Strickland no longer in attendance.

(02/18/03 - 6 - 10:40 a.m.)

4. REQUEST TO WAIVE ZONING REAPPLICATION TIME LIMITATIONS

Danielle Mayoros, Planner II, presented the item, explaining that the applicant is requesting a waiver to Section 9.04.05.B of the Land Development Code, to waive the one year reapplication time limit.

(10:41 a.m.) Jacalone asked why there is a one-year reapplication time limit. Bosanko explained that it is to prevent someone who has been turned down from coming back before the Board again and again. Jacalone asked that if someone applied for PUD zoning, and was turned down, does this rule prevent them from seeking another designation. Mayoros stated that it would not apply.

(10:44 a.m.) Meiszer stated that there is a loophole in the LDC as the rule has exceptions, i.e. if there is an injustice or if there is a benefit to the County. Mayoros stated that this is a different applicant, with a different plan. Discussion followed regarding the reasons for reapplication and the need, or necessity, to allow the applicant to file early. Mayoros reiterated that the application had been completely revised, with single-family versus multifamily, and submitted by a new applicant.

(10:50 a.m.) Gary Davenport, 3266 Pacetti Rd., representing the applicant and the property owner, stated that all they are asking for today is the right to come back before the Board with a PUD. He feels that they meet the proper development criteria as they are trying to do a single-family project, as opposed to the previous multi-family project that the neighbors did not want. He displayed the site plan, Exhibit A, to illustrate the proposed development. Discussion followed regarding the size and configuration of the lots.

(10:59 a.m.) Kathleen Parry, 3820 Wahoo Drive, spoke in opposition to the request and addressed the accessibility of the property from Wahoo Dr. and asked the Board to think long and hard before granting the waiver.

(11:01 a.m.) Bosanko reminded the Board that they are limited to hearing arguments regarding the waiver, not the content of the proposed project.

(11:01 a.m.) Terri Powers, 3817 Wahoo Dr., requested that the waiver not be granted as theirs is an established single-family neighborhood and it should remain as such.

(11:02 a.m.) Christine Oliver, 3810 Wahoo Dr., asked that the Board review the previous PUD application to realize that the neighborhood is not appropriate for a PUD.

(11:03 a.m.) Bosanko explained that the Board has a lot more control over what goes into a PUD, opposed to what is allowed in single-family.

(11:04 a.m.) Melinda Casado, 3821 Wahoo Dr., spoke in opposition to the waiver, as it is not acceptable to change to a greater density in an already existing neighborhood. She stated that currently the property is divided into two parcels, with two homes.

(11:06 a.m.) Jacalone questioned the acreage of the property. Davenport responded 1.46 acres. Bryant question if the property has two parcel id numbers, Mayoros responded yes and discussion followed.

(11:08 a.m.) Maguire stated that he has not been convinced that there is a need for the waiver, even though he sympathizes with the applicant.

(11:10 a.m.) Meiszer reviewed the Board's options and stated that this boils down to a financial issue with the number of units that could be developed and sold.

(11:13 a.m.) Mayoros explained that the density could be up to 6 units under RS-3 zoning and with the proposed PUD there would be four units.

(11:15 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to deny a waiver of Section 9.04.05, finding that the waiver is not necessary to prevent injustice or to facilitate proper development of the County.** Jacalone left the meeting.

(02/18/03 - 7 - 11:15 a.m.) (*Consent Agenda Item No. 3*)

4A. MOTION TO ADOPT A RESOLUTION AUTHORIZING THE CLERK OF COURTS TO FILE AN AMENDED SURVEY MAP OF RIVERDALE PARK

CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE PARK DESCRIBED IN THIS AMENDED SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW DOWNING VS. BIRD AND CITY OF HOMESTEAD 100 SO.2D 57 (FLA. DIST. CT. APP.-1958)

Maryann Blount, Real Estate Manager, stated that the public has been using Riverdale Park for years. The Recreation Department is applying for grants to improve the park and as part of the application process they have to submit proof of ownership, so they need to establish County ownership of the park area. In 1909 when the Riverdale Land Company platted Riverdale there was no adoption and dedication language on the plat.

(11:17 a.m.) Maguire questioned if this was a taking and should the County be compensating someone for the land. Blount responded that that would be a legal problem, but she would not consider this a taking as there are no heirs to the Riverdale Land Company, according to a title search, so there would be no one to compensate. (11:20 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0, with Jacalone absent, to adopt Resolution No. 2003-32, authorizing the Clerk of Courts to file an amended survey map of Riverdale Park, claiming a vested interest in St. Johns County in the park described in the amended survey by prescriptive rights of the public per case law Downing vs. Bird and City of Homestead 100 SO.2d 57 (Fla. Dist. Ct. App. - 1958).**

RESOLUTION 2003-32

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE AN AMENDED SURVEY MAP OF RIVERDALE PARK CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE PARK DESCRIBED IN THIS AMENDED SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW DOWNING VS. BIRD AND CITY OF HOMESTEAD 100 SO.2d 57 (FLA. DIST. CT. APP. -1958)

(02/18/03 - 8 - 11:21 a.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer

Meiszer stated that South Star Development Partners is holding a public workshop tonight from 7:00p.m. to 9:00 p.m. at the Fruit Cove School, 3180 Race Track Rd., regarding the Aberdeen and Durbin Crossing developments. He also requested of Halstead that he be given a copy of the contract in Consent Agenda Item 11.

(11:22 a.m.)
Commissioner Stern
No report.

(11:22 a.m.)
Commissioner Bryant
No report.

(11:22 a.m.)
Commissioner Maguire
Maguire stated that on Sunday he was crossing the Vilano Bridge and saw that there were four boats with for sale signs posted on them parallel to the highway and he has

discussed with Dan Weimer posting a notice that County property could not be used for personal sales.

(02/18/03 - 9 - 11:23 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Halstead reported that the Water and Sewer Authority has asked that an item be placed on the agenda for discussion of the Intercoastal Utility Settlement. It will be discussed next Tuesday at 9:00 a.m.

(02/18/03 - 9 - 11:24 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(02/18/03 - 9 - 11:24 a.m.)

CLERK OF COURT'S REPORT

No report.

(11:25 a.m.) Bryant stated that he had requested in the past that when there is a Shade Meeting that it start at 8:00 a.m. All Board members present agreed with the suggestion.

(11:26 a.m.) **Motion by Bryant, seconded by Stern, carried 4/0, with Jacalone absent, to adjourn the meeting.**

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check No. 330465 through 330483 totaling \$40,244.53. (2/6/03)
2. St. Johns Board of County Commissioners Check Register, Check No. 330484 through 330485 totaling \$1,085.50. (2/6/03)
3. St. Johns Board of County Commissioners Check Register, Check No. 330486 through 330766 totaling \$1,054,423.51. (2/11/03)
4. St. Johns Board of County Commissioners Check Register, Check No. 330767 totaling \$625.06. (2/12/03)

Approved March 18, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Uonae King
Deputy Clerk