

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 8, 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
Ben W. Adams, Jr., County Administrator
Dan Bosanko, County Attorney
Cecelia Aldrich, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts
Allen MacDonald, Finance Director
Dennis Hollingsworth, Tax Collector

(07/08/03 - 1 - 9:03 a.m.)
CALL TO ORDER BY CHAIR

The meeting was called to order by Chairman Bryant.

(07/08/03 - 1 - 9:03 a.m.)
INVOCATION AND PLEDGE OF ALLEGIANCE

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

(07/08/03 - 1 - 9:04 a.m.)
ROLL CALL

Bryant stated that all five Commissioners were present.

(07/08/03 - 1 - 9:04 a.m.)
PROCLAMATION FOR THE MENTAL HEALTH DEPARTMENT'S 10-YEAR ANNIVERSARY

Bryant read the Proclamation and then presented it to: Tony Catoggio, Mitzi Gage, Barbara Lee, Peggy Lee, James Tucker and Dr. Maria Colavito. Ms. Barbara Lee noted that she has been present through 26 years of changes and said the last 10 have been the best. Mr. James Tucker added that the changes have been for the best. (9:08 a.m.) Meiszer said it would be remiss not to mention Dr. Wayne O'Connell.

(07/08/03 - 1 - 9:09 a.m.)
PUBLIC COMMENT

There was none.

(07/08/03 - 2 - 9:10 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(07/08/03 - 2 - 9:10 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Jacalone, seconded by Stern, carried 5/0, to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
06/17/03 - BCC Regular Meeting
3. Sheriff's Bonds:
Approve: Inez Patronska
Approve: John Roach
Cancel: Sharon Douglas
Cancel: Thomas Pablo
4. Motion to authorize the County Administrator, or his designee to enter into a contract with Equibore of America, Inc., BTI Directional Boring, Inc. and Badger Drilling, Inc. under Bid No. 03-77 for Directional Boring Contractor for St. Johns County Utility Department (See Attachment "A")
5. Motion to Adopt **Resolution No. 2003-126**, approving the terms and conditions of a Purchase and Sale Agreement and Request for Check authorizing the acquisition of a Perpetual Easement in connection with the Ponte Vedra Drainage and Sewer Project

RESOLUTION NO. 2003-126

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A PURCHASE AND SALE AGREEMENT AUTHORIZING THE PURCHASE OF A PERPETUAL EASEMENT IN CONNECTION WITH THE PONTE VEDRA DRAINAGE AND SEWER PROJECT AND APPROVAL OF THE REQUEST FOR A CHECK TO PROCEED WITH CLOSING

6. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 03-74
 - b. Proof, Certificate of Liability Insurance, Partridge Well Drilling Co.
 - c. Proof, Certificate of Liability Insurance, Applied Technology & Management, Inc.

(07/08/03 - 2 - 9:10 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested the addition of A1, a Resolution for approval of Toco Woods, which was pulled off the Consent Agenda and has since been corrected.

(07/08/03 - 2 - 9:10 a.m.)
APPROVAL OF REGULAR AGENDA

BID TABULATION



BID TITLE
 DIRECTIONAL BORING
 CONTRACTOR FOR ST. JOHNS
 CO. UTILITY DEPARTMENT

OPENED BY
 CHERYL ALBERTSON *cla*

BID NUMBER
 BID NO. 03-77

TABULATED BY
 LEIGH DANIELS *LD*

OPENING DATE/TIME
 May 28, 2003 3:00 P.M.

VERIFIED BY

ANY BIDDER AFFECTED ADVERSELY BY AN
 INTENDED DECISION WITH RESPECT TO THE
 AWARD OF ANY BID, SHALL FILE WITH THE
 PURCHASING DEPARTMENT FOR ST. JOHNS
 COUNTY, A WRITTEN NOTICE OF INTENT TO FILE
 A PROTEST NOT LATER THAN SEVENTY TWO (72)
 HOURS (EXCLUDING SATURDAY, SUNDAY AND
 LEGAL HOLIDAYS) AFTER THE POSTING OF THE
 BID TABULATION. PROTEST PROCEDURES MAY
 BE OBTAINED IN THE PURCHASING
 DEPARTMENT.

POSTING TIME/DATE
 FROM 05/28/2003 4:00 PM UNTIL 06/02/2003 4:00 PM

PAGE (S) 1 OF 1 PAGE(S)

BIDDERS	2" TUBING TOTAL	4" PIPE TOTAL	6" PIPE TOTAL	8" PIPE TOTAL	10" PIPE TOTAL	12" PIPE TOTAL	16" PIPE TOTAL	TOTAL BID PRICE	BID BOND
EQUIBORE OF AMERICA, INC.	\$5,000.00	\$21,000.00	\$26,850.00	\$33,600.00	\$15,200.00	\$12,000.00	\$22,250.00	\$135,900.00	X
T B LANDMARK CONSTRUCTION	\$9,000.00	\$27,000.00	\$60,000.00	\$54,000.00	\$24,000.00	\$13,600.00	\$25,000.00	\$212,600.00	X
BTI DIRECTIONAL BORING, INC.	\$6,000.00	\$20,625.00	\$37,750.00	\$38,400.00	\$18,400.00	\$12,000.00	\$26,250.00	\$159,425.00	X
BADGER DRILLING, LLC	\$9,000.00	\$30,000.00	\$40,500.00	\$46,800.00	\$22,000.00	\$15,000.00	\$30,000.00	\$193,300.00	X
CORNERSTONE BUSINESSES, INC.	\$8,000.00	\$33,000.00	\$45,000.00	\$51,600.00	\$22,000.00	\$14,000.00	\$22,500.00	\$196,100.00	X

BID AWARD DATE - _____

Attachment "A"

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

(07/08/03 - 3 - 9:11 a.m.)

A1. RESOLUTION TO APPROVE SUBDIVISION PLAT KNOWN AS TOCOI WOODS

Kathy Nielson, Application Review Coordinator, explained that the Resolution was pulled from the prior week's Consent Agenda because the Title Opinion was out of date. (9:12 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to approve Resolution No. 2003-127.**

RESOLUTION NO. 2003-127

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR TOCOI WOODS

(07/08/03 - 3 - 9:12 a.m.)

1. PRESENTATION OF THE RECAPITULATION FOR 2002 BALANCED TAX ROLL AND ERROR AND INSOLVENCIES REPORT

Dennis Hollingsworth, St. Johns County Tax Collector, reviewed the report, including a review of the related dollar amounts.

(9:14 a.m.) Maguire asked about the meaning of error and insolvencies. Hollingsworth explained that these represent errors and corrections to the Tax Roll and reviewed the procedure for receiving the corrections to the Tax Roll. Maguire noted how substantial the increase has been over Hollingsworth's 24-year tenure. (9:17 a.m.) **Motion by Meiszer, seconded by Jacalone, carried 5/0, to approve the 2002 Balanced Tax Roll and Errors and Insolvencies Report.** (9:16 a.m.) Stern commended Hollingsworth on the collections rate. Hollingsworth stated that the Tax Collector's Office has had a 99% or greater collection rate for over a decade.

(07/08/03 - 3 - 9:17 a.m.)

2. CONSIDER THE FREE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER AT THE WORLD GOLF VILLAGE BY ALPHA OMEGA MIRACLE HOME FOR THEIR ANNUAL BANQUET ON OCTOBER 23, 2003

Dena Masters, Tourist Development Council, Office Manager, explained the request.

(9:18 a.m.) Jacalone asked about the status of availability for the current year. Masters responded that there would be eight days left for this year, which ends in December. A representative for the Alpha Omega Miracle Home stated that the request is for the 6th annual banquet and auction, which will include speakers, testimonials and educational components. (9:19 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to approve free use of a room at the St. Johns County Convention Center for Alpha Omega Miracle Home to hold their 6th Annual Banquet and Auction on Thursday, October 23, 2003 from 5:30 p.m. until 11:00 p.m.**

(07/08/03 - 3 - 9:19 a.m.)

3. PRESENTATION OF FY 2004 RECOMMENDED BUDGET FOR ST. JOHNS COUNTY

Ben W. Adams, Jr., County Administrator, reviewed the budget process including the corresponding meetings and workshops. He reported that a new software process was

used this year. Adams recommended that a workshop be scheduled for Friday, July 25, 2003 at 9:00 a.m., and that would require that millage rates be set on July 22nd. He said there are two public hearings scheduled, September 16, 2003 and September 23, 2003 at 5:30 p.m. He noted that the School Board has first choice on budget hearings and thus far there are no conflicts. Adams reviewed the budget highlights, by Funds, including what was requested, as well as, recommended. He reviewed requests to the General Fund, recommended millage rates, and costs associated with personnel/new positions. Adams noted that under Mr. Meiszer's term as Administrator, a standard was set by gaining the Government Finance Officers' Association's Distinguished Budget Presentation Award. He said this is the 11th year that the County has qualified for this award, which was established in 1984 to honor exemplary budget documentation. He explained the judging criteria and thanked Joe Vonasek, Dawn Cardenas and Doug Timms of the Office of Management and Budget.

(9:31 a.m.) Meiszer congratulated Staff on receiving the award. (9:35 a.m.) Jacalone talked about recreational allocations and noted that the amount of Capital Projects is down substantially. He asked about the funding level of Fire Services. (9:38 a.m.) Adams indicated that the funding level in this area has been catching up over the past several years. Jacalone asked if Fire Service has been under-funded for a long period of time. Adams gave a brief historical account of the funding, volunteer staffing, and training requirements of the Fire Services. Discussion followed on road impact fees and carry forwards. It was noted that the FY 2004 budget would be significantly more than the FY 2003 budget. (9:43 a.m.) Vonasek noted that the County is growing from an upper level small to a mid-size county. It was noted that there would be time for review of the budget book, as the Board does not approve the budget until September. (9:46 a.m.) **Motion by Stern, seconded by Meiszer, carried 5/0, to receive the FY 2004 recommended budget.** (9:47 a.m.) Vonasek extended his appreciation to the Staff members of the budget office.

(9:47 a.m.) Assistant County Attorney Hunt joined Bosanko at the dais.

(07/08/03 - 4 - 9:47 a.m.)

4. CONSIDER MOTION TO APPROVE THE EXCLUSIVE RESIDENTIAL SOLID WASTE COLLECTION AND TRANSPORTATION FRANCHISE FOR THE NORTHERN AREA OF ST. JOHNS COUNTY AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE FRANCHISE AGREEMENT AND AWARD TO REPUBLIC SERVICES OF FLORIDA D/B/A SEABOARD WASTE SYSTEMS

John Schwab, Special Projects Manager, reported that he heard from the Ponte Vedra Municipal Service District that a resolution had been reached.

(9:48 a.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to approve the Exclusive Residential Solid Waste Collection and Transportation Franchise for the northern area of St. Johns County and authorize the Chairman to execute the Franchise Agreement and award to Republic Services of Florida d/b/a Seaboard Waste Systems.** (9:48 a.m.) Jacalone asked about the issue of the MSD area and extra pick-up. Schwab responded that the Ponte Vedra Municipal Service District met and approved the amendment to their contract. (9:49 a.m.) Jacalone noted that the negotiations with the franchisee for the southern section of the County resulted in a rate reduction and he asked if there was a reduction with this one. Schwab said no, except for when the new solid waste transfer station opens in approximately 2005 -2006. He said it would be adjusted down to compensate for the closeness in proximity of the transfer station.

(07/08/03 - 4 - 9:50 a.m.)

5. CONSIDER A SETTLEMENT AGREEMENT BETWEEN SPRINTCOM V. ST. JOHNS COUNTY

Michael Hunt, Assistant County Attorney, gave background information on the case and the location of the tower. Hunt noted that another attorney would be presenting the rest of the information with relation to the lawsuit. He commended Joseph and Bonnie Nelson for their diligence in this matter.

(9:51 a.m.) Attorney Sonya Hoener with Marks Gray Law Firm in Jacksonville, provided background information about Sprintcom and the tower that was built in 1998. She explained that proper notification by Sprint to surrounding property owners, before the tower was built, was not done. She reviewed a series of events that led to Sprint filing a lawsuit against both the County and the Nelsons. Hoener noted that Sprint then filed an appeal and lost. It was found that the County did not violate the Telecommunications Act. She said Sprint then appealed to the 5th DCA and it is currently on appeal and reviewed some varying opinions on the Act by the Federal courts. Hoener said Sprint has agreed to remove the tower and dismiss the appeal and settle all claims against the County. She summed up that the County is being asked to approve the settlement agreement and not to fine Sprintcom for leaving the tower up. She personally thanked the Nelsons for their efforts in getting the tower removed.

(9:56 a.m.) Jacalone asked for Hoener's opinion of the intent of the Telecommunications Act. He said he understood that the Act addresses prohibition of wireless services and that municipalities and counties should not do that. He asked if the County has to allow any provider the opportunity to provide service in any area or, if there is wireless service by a provider in an area, does that meet the intent of the Act. Hoener said they have argued that it does meet the intent if you have one carrier, for example, if Sprint is providing services within the County, which provides wireless services within the County and not a prohibition. Sprint has argued the opposite, and in this case they wanted three providers to locate on this tower and all three could provide service. (9:57 a.m.) Jacalone determined that the Court Findings support that if there is wireless service available in an area, the intent of the Telecommunications Act has been met. Meiszer asked for, and received, confirmation that no compensation would be paid to Sprint. (10:02 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to authorize the Chairman to sign the attached settlement agreement.**

(9:58 a.m.) Joe Nelson, 2046 Orange Cove Road, expressed his pleasure that the tower would be coming down. He also expressed concern about the significant cost to the County regarding this issue. He noted it has taken five years, during which time Sprint has had use of an illegal tower. Nelson indicated that he thought the County should be compensated.

(10:00 a.m.) Bryant stated that he agreed with Nelson and indicated that it is unfortunately the cost of doing business. (10:02 a.m.) Nelson thanked the Commissioners.

Bryant called break at 10:03 a.m. and the meeting reconvened at 10:12 a.m.

(07/08/03 - 5 - 10:12 a.m.)

6. CONSIDERATION OF WHETHER THE FORMATION OF STEERING COMMITTEES OF THE COMMUNITY REDEVELOPMENT AREAS SHOULD BE BOARD MANDATED

Laura Barrow, Assistant County Attorney, joined Bosanko at the dais. Barrow reviewed that there are three different redevelopment areas in the County that are governed by Resolutions. She noted that the Resolutions outline the formation of Steering Committees and that due to possible violations of the Sunshine Law, the Board is being asked to consider whether the committees should be mandated or independent. Barrow noted that Derek Hankerson, Housing and Community Services Division, is the County liaison to these redevelopment areas and was present to answer any questions.

(10:15 a.m.) Bryant asked Hankerson about the preference of the committees. (10:16 a.m.) Hankerson responded that the consensus is to be similar to the Vilano Beach area, where the term is "may," instead of "shall." (10:16 a.m.) Jacalone asked Barrow if the Resolutions that are in effect for West Augustine and Flagler Estates are complying with the Sunshine Law and she responded in the affirmative. Jacalone asked why these committees are different from any others that would operate under the Sunshine Law. (10:18) Bosanko talked about when these were first established, people wanted to meet in homes, etc., which is not allowed under the Sunshine Law. (10:19 a.m.) Hankerson pointed out that there are inconsistencies to whether a Steering Committee "shall" or "may" be formed. Discussion followed on how the Committees operate. It was established that the Committees make recommendations only, and the Board would have final say on financing decisions. (10:21 a.m.) Meiszer expressed concern about committees not being subject to the Sunshine Law and he said any inconsistency should be removed in favor of public interest.

(10:24 a.m.) Hankerson stated that there are a lot of people in this County that are passionate about their own community and even if they didn't have regulations, they would still come and support their own community.

(10:26 a.m.) Maguire agreed with the need for consistency and said he is a believer in the Sunshine Law. He asked what legal authority the committees have. Bosanko responded that they make recommendations to County government entities. Bosanko said the Resolutions could be rewritten to make them independent and therefore not covered by the Sunshine Law. Discussion followed on multiple committees being generated. Bosanko said the legal department would like the Board to decide if it wants these to be County committees (subject to the Sunshine Law), or independent. Maguire said his first priority is consistency and he leans toward the independent, but how they approach the Board concerns him, i.e., representing an entire group or, a select few. (10:30 a.m.) Barrow pointed out that the Vilano Beach area does have several different representative groups and that the Resolution pertaining to Vilano Beach does make that Steering Committee discretionary; it doesn't say that it "shall" be formed; it says it "may" be formed. (10:31 a.m.) Hankerson noted that they seem to have better cooperation with the term "may," than "shall." Maguire said he agreed with Jacalone about more flexibility and freedom, but he thought at some point there would be a need for control. (11:02 a.m.) **Motion by Maguire, seconded by Jacalone, carried 4/1 with Meiszer dissenting, to have consistency by amending Resolutions 2002-185 and 2000-146, to make the formation of the Steering Committees discretionary.** (10:33 a.m.) Stern asked Hankerson if the mandated committees felt restricted. Hankerson said representatives from the committees could better answer that question. Stern said she favored the discretionary as well, but expressed concern about the possibility of losing accountability. She questioned how changing the wording of the Resolutions would affect the function of the Steering Committees. (10:36 a.m.) Bosanko added that the committees are either going to have to be County committees, under the Sunshine Act, or independently formed. (10:37 a.m.) Hankerson said he thinks that changing the committees would provide latitude, flexibility and freedom, and that the people know what is best for their respective communities. (10:39 a.m.) Bosanko said the legal office need to know if the Board wants them to draft language to make these County committees or independent-free formed committees. Bosanko said if the committees are independent, free-formed, the County Staff will not be able to keep track of them, as there could be numerous committees. Hankerson talked about the involvement of people on the committees. (10:40 a.m.) Jacalone talked about committees and their compliance with the Sunshine Law. He said the agency decisions would still be made by the Board and further stated his support for making these non-County committees. (10:44 a.m.) Bryant said he did not foresee a problem with recommendations from these committees because Staff is so involved. (10:45 a.m.) Bosanko said there are a lot of cases relating to the Sunshine Law and one thing the courts

would look at is the degree of County involvement. He said he still thinks that the County Staff could help independent committees. Bosanko suggested that when they re-write the Resolutions, they might want to consider a name other than "Steering" Committee, as that implies someone controls what is happening with that CRA. Meiszer expressed concern about undermining the Sunshine Law and stated that there is nothing in it that diminishes or reduces flexibility, participation or input, etc., or any of the reasons that have been given to do away with it. He talked about possible problems that could arise from working outside of the guidelines of the Sunshine Law. (10:50 a.m.) Stern said she supported the motion and agreed that there needed to be some consistency and she is aware of the feelings of the members of the steering committees. (10:52 a.m.) Bosanko said if the County did establish these CRAs, they would have to be Sunshine Law. He said if the motion passes, he and Barrow would work on language to make it clear that the County is not establishing these committees, that they are independent committees.

(10:53 a.m.) Lila Ledbetter, 10415 E. Deep Creek Blvd., Hastings, stated that she is the spokesperson for the committee, though not actually on it. She said the majority would like the wording to be "may," and a couple wanted it to remain as "shall." Ledbetter said some wanted to be able to meet more frequently. She raised the question as to whether or not a 'couple' could both be on a committee. It was noted that a couple could both serve, but technically could not discuss the proceedings at dinner.

(10:54 a.m.) Vivian Browning, 40 Beachcomber Way in Vilano, noted that the North Shores Improvement Association has been around since 1939 and it is a 501(c)3 organization. She talked about the activities of the group and that all continues to work well as it is. Browning indicated that they would support whatever the Board decided and if it is left as a discretionary group they would continue to come before the Board in a capable way.

(10:58 a.m.) Stephen Crooms, 936 Ervin St., Chairman, W. Augustine CRA, stated that they would prefer to go with the "may" option. He explained that they have five different sub-committees that do research and reports back to the Steering Committee. Crooms said they are so far behind and have been meeting about four times per month, in an attempt to get things done. He said he feels like they are in a "Catch 22" situation; they need the flexibility to go out and get things done, though being appointed by the Commission would give more value. He said they could go either way, but feel they could get more done with the freedom.

(10:59 a.m.) Jacalone agreed with Crooms stated that the same people that were involved are going to continue to be involved. (11:00 a.m.) Meiszer suggested that things would get done without the knowledge of all the people. (11:01 a.m.) Crooms stated that he was elected and explained that two members cannot just go meet with the Housing Committee, under the Sunshine Law.

(11:05 a.m.) Barrow left the meeting.

(07/08/03 - 7 - 11:05 a.m.)

7. DISCUSSION ON THE PLATTED BUT UNOPENED ROADS THROUGHOUT ST. JOHNS COUNTY

Joe Stephenson, Public Works Director, said that his presentation would be long and detailed. Stephenson acknowledged the Staff members who contributed to the presentation. He explained that there are landowners who cannot build without requesting a non-zoning variance. He pointed out that non-zoning variances are to discourage building for non-compliance of the code. He reviewed some of the related problems relating to unopened roads throughout the County. Stephenson reviewed the County's past practices and regulations for handling permitting and maintenance of these

roads and rights-of-way. He noted that the focus for today would be on Vermont Heights, as it is a good example of getting numerous requests to open roads.

(11:15 a.m.) Bosanko talked about the unopened, platted roads. He responded to five questions that had been submitted by Stephenson (Exhibit A). Bosanko talked about ownership of roads and explained how it is determined whether or not a road is a County road. He also addressed maintenance, by the County, of roads that are private and/or unopened and explained the County's obligations with regard to improvements. He advised that only emergency work should be done on roads that are not owned by the County. He stated that vacated roads usually revert to the lot owners.

(11:25 a.m.) Jacalone commented that the County has never constructed 'County' roads in unopened rights-of-way, unless there are very extreme circumstances. He said he hoped the County would not consider opening rights-of-way at taxpayers expense to allow for development.

(11:27 a.m.) Meiszer said many of the older plats use the term 'public' and he thought that might be perceived as synonymous with 'County' owned. Bosanko said no, but the County could probably claim that for the public, by passing a Resolution or assuming maintenance. Meiszer said he thinks part of the problem is because a survey map could identify an area as a Public Way and it could be assumed that the County owns it. Meiszer asked what kind of emergency would require the County to improve a road that it does not own. (11:29 a.m.) Bosanko responded that he would not use the word "improve," but rather "limited emergency work," due to a natural disaster.

(11:31 a.m.) Stephenson gave some examples (like Avenue A and Lexington Road), of roads that have homes on them, but are not maintained by the County. He gave some examples of situations that have developed with roadway deterioration that resulted in homeowners' access problems. He also presented some examples of lot owners that want to build and have either access or permitting problems. (11:35 a.m.) Jacalone commented that these are old problems and also existed in St. Augustine South. He said there is no cut and dry solution to this problem. (11:37 a.m.) Stephenson said they have a clear plan for dealing with dirt roads that have been maintained by the County for years. Jacalone said if it is not opened, the County doesn't have any business opening it. (11:38 a.m.) Stephenson reported on a situation at Vermont Heights where it was found that the County does own a road that will need extensive improvements. He reviewed several situations in Vermont Heights where considerable work and expense will be required to resolve the situations. He reviewed what would need to be done before paving a roadway of this type, i.e., the cost for tree removal and paving materials. He talked about the differences of roadway widths, soil types, drainage requirements, land values and noted that there are also the unknowns and surprises. Stephenson reported that the DRIP roads cost \$88,470 per mile, which is a bare-bones cost for paving dirt roads. He said developer costs to build a mile of road to County standards is about a half million dollars under good circumstances and up to about three quarters of a million dollars if there are difficulties. (11:47 a.m.) Stephenson estimated costs for road improvements/new roads. He presented several options: the County could accept roads it could legally claim, open them at County expense when requested and begin issuing building permits, which would be very expensive. Another option is what we do now is require the lot owner to improve the platted road to land development standards at their own expense before issuing a building permit. He said the problem with this is the exceptions, when the County makes these exceptions to allow driveways to be used, the first lot might be 200 feet back from the paved road and then another property owner 500 feet back may want to open his lot. He said this usually ends up with driveways instead of improved roads. (11:50 a.m.) Jacalone addressed the cost of roads and noted that there are options for road development that cost less than what the County requires, and that there are variances from the road construction requirements. Stephenson urged careful consideration due to today's

regulatory environment. (11:53 a.m.) Stephenson said the third option could be the creation of a Municipal Services Benefit Unit (MSBU) for a subdivision with development demand, like Vermont Heights, and platted, but unopened roads. (11:56 a.m.) Meiszer suggested an additional alternative might be for the residents to look into forming a CDD. (11:57 a.m.) Stephenson said the only disadvantage he could see to using an MSBU is when all lot owners on a given street are not ready to build, they would still be liable for assessment when that road is paved. (12:02 p.m.) Motion by Stern to direct Staff to report back to the board on this item. The motion died for lack of a second. (12:04 p.m.) Jacalone left the meeting. Discussion followed regarding building permits for unpaved roads, non-zoning variances on unpaved roads, and the creation of CDDs. (12:12 p.m.) Andrew Korb, 8156 Seven Mile Dr., Ponte Vedra Beach, said he is requesting the County to vacate a road, which separates his lot from the neighbor's lot. (12:15 p.m.) Ed Paucek, 9th Street, Vermont Heights, urged the Board to review this issue further and come up with a better solution for this issue. Discussion followed on the creation of CDDs and MSBUs. (12:30 p.m.) *Stern directed Staff to bring to the Board a plan for a generic master plan for a MSBU that can be applied to any subdivision, i.e. Vermont Heights.*

Bryant adjourned the meeting at 12:30 p.m. and reconvened with Bryant, Jacalone, Stern, Maguire, Meiszer, Adams, Lopez and Deputy Clerk Lenora Newsome.

(07/08/03 -9 - 1:34 p.m.)

8. PUBLIC HEARING - PUD 2003-08, B&W ENTERPRISES OF JACKSONVILLE, INC. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 2.75 ACRES LOCATED AT 6210 U.S. 1 NORTH, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR 5,870 SQUARE FEET OF CONCRETE SLAB, COVERED WITH A CARPORT, AND 1,500 SQUARE FEET OF OFFICE TO BE UTILIZED FOR AN AUTOMOBILE AUCTION TO BENEFIT THE SPECIAL OLYMPICS. THE FUTURE LAND USE DESIGNATION IS MIXED USE DISTRICT (MD), THE SURROUNDING LAND USE DESIGNATIONS ARE MIXED USE DISTRICT (MD) AND INDUSTRIAL, AND THE SURROUNDING ZONING IS OR AND RS-3. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03, WHICH PROVIDES STANDARDS FOR PLANNED UNIT DEVELOPMENTS. STAFF HAS NO OBJECTIONS TO APPROVING THIS REZONING, SUBJECT TO THE BOARD'S APPROVAL OF THE WAIVERS REQUESTED. THIS ITEM APPEARED BEFORE THE PLANNING AND ZONING AGENCY AT THEIR JUNE 5, 2003 PUBLIC HEARING, WHERE IT RECEIVED A VOTE OF 5-0 TO RECOMMEND APPROVAL

Proof of Publication of Notice of Public Hearing on Notice of Proposed Rezoning on File #PUD 2003-08, 6210 U.S. 1 North, B & W Enterprises was received, having been published in *The St. Augustine Record* on June 23, 2003.

Danielle Mayoros, Planner II, stated this item seeks to rezone approximately 2.75 acres located at 6210 U.S. 1 North from Open Rural (OR) to Planned Unit Development (PUD) to allow for 5,870 square feet of concrete slab covered with a carport and 1,500 square foot office to be utilized for an automobile auction to benefit the Special Olympics. The applicant is requesting two waivers, one is for the 27 parking spaces that are required for the outdoor storage space, and the applicant would like to be able to use the existing concrete slab and would like to be able to reduce this requirement from 20 feet to 10 feet. The applicant would still provide adequate screening and landscaping material within the buffer. Discussion followed on if this PUD was awarded, it not allowing deviation from what the text said, what would be done with the parking area, if this PUD conforms to the Land Development Code, and the difference between a waiver and a variance.

(1:46 p.m.) Pam Drury, 5300 Emerson Street, Jacksonville, spoke on behalf of the applicant, utilizing the overhead projector, she displayed the Master Development Plan, Exhibit A, and explained the parking area and the auction.

(1:49 p.m.) Larry Miller, 194 South Roscoe, explained how the auction was handled.

(1:52 p.m.) **Motion by Jacalone, seconded by Stern, to enact Ordinance No. 2003-59, adopting Findings to support the motion contained in the package, including the granting of the waiver requests.**

(1:52 p.m.) Paul Nelson, 6220 U.S. 1 North, asked the Board to deny the use of the land until he gets some relief from the flooding caused by the property being built up with dirt. Bishop stated that Nelson contacted them after the PZA meeting and they did send out inspectors to look at this site and the adjacent site. She stated that there were no protected trees removed from the site and as far as the drainage issue; there is a ditch problem that will be corrected. Meiszer questioned, if there was a filling of the wetlands without a permit. Drury responded that there had been no filling of the wetlands. Nelson stated that he could prove the wetlands had been filled. Discussion followed on if the wetlands were filled, filled land causing drainage problems for the adjacent property, the project having to follow the Land Development Code Regulations, the sequence of events, and if permits were required. Meiszer requested to make sure the adjacent property owner's concerns are taken care of. **The motion carried 5/0, with the amendment of making sure the adjacent property owner's concerns are taken care of.**

ORDINANCE NO. 2003-59

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

(07/08/03 -10 - 2:10 p.m.)

9. PUBLIC HEARING - MDP 2003-08, SHELL STATION AT THE VININGS PUD. THE SHELL STATION IS WITHIN THE VININGS PUD, ORDINANCE 97-14, AS AMENDED, LOCATED AT 2250 C.R. 210 WEST. THE PUD IS DESIGNATED AS RESIDENTIAL C BY THE 2015 FUTURE LAND USE MAP. THE VININGS PUD IS COMPRISED OF 56.08 ACRES AND ALLOWS FOR BOTH RESIDENTIAL AND COMMERCIAL DEVELOPMENT. THE SHELL STATION IS LOCATED WITHIN THE WEST OUTPARCEL OF THE COMMERCIAL PORTION OF THE PUD. THE VININGS PUD AND THE LAND DEVELOPMENT CODE (LDC), THE WEST OUTPARCEL WAS REQUIRED TO FILE AN APPLICATION FOR AN INCREMENTAL MASTER DEVELOPMENT PLAN (MDP) TO BE APPROVED AND RECORDED PRIOR TO CONSTRUCTION PLAN APPROVAL. THE MASTER DEVELOPMENT PLAN IS ALSO CONSISTENT WITH THE APPROVED VININGS PUD ORDINANCE 97-14, AS AMENDED, AND THE SUPPLEMENTAL DESIGN STANDARDS FOR GAS STATIONS, AS REQUIRED BY LDC SECTION 6.08.19. THE PLANNING DIVISION HAS NO OBJECTIONS TO THE APPROVAL OF THIS REQUEST

Proof of Publication of Notice of Public Hearing on the MDP Shell Station at Vinings PUD was received, having been published in *The St. Augustine Record* on June 18, 2003.

Nicole Clayton, Planner II, stated that the Shell Station is within the Vinings PUD, Ordinance No. 97-14, as amended, located at 2250 C.R. 210 West. The PUD is designated as Residential C by the 2015 Future Land Use Map. The Vinings PUD is comprised of 56.08 acres and allows for both Residential and Commercial development. The Shell Station is located within the west outparcel of the commercial portion of the PUD. In accordance with the Vinings PUD and the Land Development Code (LDC), the west outparcel was required to file an application for an Incremental Master Development Plan (MDP) to be approved and recorded prior to construction plan approval. In accordance with Ordinance No. 2003-17, adopting a Major Modification to the PUD (MAJMOD 2002-08) the Incremental MDP shall be provided to the Board of County Commissioners for consideration and approval. She stated that this request seeks approval of the Incremental Master Development Plan for the west outparcel, the Shell Station. She displayed the Site Geometry Plan (Exhibit A), and the Master Development Plan (Exhibit B). She distributed the Adjacent Property Owner Response Forms (Exhibit C). Discussion followed on a car wash already being added to the Shell Station as an accessory use, the changes made by the applicant to help alleviate some of the concerns of the adjacent property owners, and the traffic concerns.

(2:17 p.m.) Don Smith, 14775 St. Augustine Road, Jacksonville, pointed out that the site plan is in complete conformance with the PUD for the Vinings, and the Land Development Code. There are no waivers requested, the applicant has made significant changes to the site plan to accommodate the LDC and the PUD. He spoke on the traffic coming into and out of the area, and stated that they are asking for the approval of the site plan today. Discussion followed on the property owner abutting this site being affected by the wall, the wall between the Shell Station and the residential property, the 20-foot buffer, and the drainage on this site.

(2:22 p.m.) Ron Dolan, 236 Carolina Jasmine Lane, spoke on the wall being on the wrong side of the buffer, there being a manifold of piping, there not be a significant change in the traffic pattern, the drainage problem still existing, and he stated that there are still some issues that needed to be addressed. Smith stated that the manifold of piping is possibly a backflow preventer. Meiszer stated that he was out there with a group of the residents and saw the water standing under the wooden fence on the adjoining property. He stated that he was told that the problem would be taken care of.

(2:32 p.m.) Richard Tomich, Engineering Manager, Development Services, stated that he was called to look at the problems and that he looked at a grass problem and a flooding problem on the southeast corner of the property. He stated that the flooding was caused by the construction work on C.R. 210 and that he spoke with the inspector and was assured that the engineer was working on the problem. Bryant mentioned that they wouldn't sign off on the road until the problem is corrected.

(2:36 p.m.) Todd Ritter passed on speaking. (2:36 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-128, known as MDP 2003-08 Shell Station at the Vinings PUD, adopting the Findings contained in the packet to support the motion.**

RESOLUTION NO. 2003-128

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MASTER DEVELOPMENT PLAN TO THE VININGS PLANNED UNIT DEVELOPMENT; ORDINANCE NO. 97-14, AS AMENDED

The meeting recessed at 2:37 p.m. and reconvened at 2:44 p.m.

(07/08/03 -12 - 2:45 p.m.)

10. PUBLIC HEARING – MAJMOD 2003-04 RING POWER AT WORLD COMMERCE CENTER. THE RING POWER AT WORLD COMMERCE CENTER PUD CONSISTS OF 235 ACRES AND IS LOCATED AT 4485 SOUTH FRANCIS ROAD, WITHIN THE WORLD COMMERCE CENTER DRI. THE MAJOR MODIFICATION PROPOSES TO INCREASE THE LIGHT INDUSTRIAL SQUARE FOOTAGE BY 48,000 SF AND DECREASE THE COMMERCIAL SQUARE FOOTAGE BY 21,312 SF. THE RESULTING TOTAL APPROVED DEVELOPMENT WOULD CONSIST OF 350 SINGLE FAMILY RESIDENCES, 8,688 SF OF COMMERCIAL SPACE AND 388,000 SF OF LIGHT INDUSTRIAL SPACE. THIS CHANGE IS IN ACCORDANCE WITH THE FIRST DECLARATION OF CONVERSION OF DEVELOPMENT RIGHTS WITHIN THE WORLD COMMERCE CENTER DRI, AND IS CONSISTENT WITH THE PROVISIONS OF THE DRI. STAFF’S OPINION IS THAT THE REQUESTED MAJOR MODIFICATION COMPLIES WITH THE COMPREHENSIVE PLAN AND THE WORLD COMMERCE CENTER DRI DEVELOPMENT ORDER. THE REQUEST SUPPORTS THE GOALS & POLICIES OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN. SUBJECT TO THE BOARD’S APPROVAL OF THE WAIVER REQUESTED, THE REVIEW PROCESS IS CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03.05, PROVIDING STANDARDS FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS. STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION, SUBJECT TO THE BOARD’S APPROVAL OF THE WAIVER REQUESTED. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM ON JULY 3, 2003. THEIR RECOMMENDATION WILL BE PROVIDED AT THE BCC HEARING

Proof of Publication of Notice of Public Hearing on Major Modification/03-04 Ring Power was received, having been published in *The St. Augustine Record* on June 18, 2003.

Clayton stated that this PUD consists of 235 acres and is located at 4485 South Francis Road, within the World Commerce Center DRI. The Major Modification proposes to increase the Light Industrial square footage by 48,000 SF and decrease the Commercial square footage by 21,312 SF. The resulting total approved development would consist of 350 single-family residences, 8,688 SF of commercial space and 388,000 SF of Light Industrial space. The applicant requested a waiver.

(2:48 p.m.) Anthony Robbins, 13901 Sutton Park Drive, stated that this is a reflection of an increase in the size of the Ring Power Project. Jacalone spoke on the effects of the square footage. (2:51 p.m.) **Motion by Jacalone, seconded by Maguire, to enact Ordinance No. 2003-60, known as MAJMOD 2003-04 Ring Power at World Commerce Center PUD, adopting Findings contained within the package to support the motion.** Robbins spoke on the Development Order for the DRI and on net increase. (2:53 p.m.) **The motion carried 5/0.**

ORDINANCE NO. 2003-60

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE RING POWER AT WORLD COMMERCE CENTER PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2003-03; AS AMENDED, MAKINGS FINDINGS

OF FACT; REQUIRING RECORDATION; AND
PROVIDING FOR AN EFFECTIVE DATE

(07/08/03 - 13 - 2:54 p.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer:
No report.

(2:54 p.m.)
Commissioner Stern:

Stern announced the Tools for School Program being in progress.

Stern reported that she recently met with Michael Kelly, Executive Director of Super Bowl 2005, and was asked to serve as the liaison for St. Johns County on the Government Relations Committee and stated that she agreed to do it. She requested from Adams a status on the plans for Super Bowl 2005.

(2:55 p.m.)
Commissioner Bryant:

Bryant asked Lopez to have Dan Bosanko check into unopened right-of-ways in North Beach regarding 25 byways. Lopez responded that she had been in contact with Bob Nabors from Nabors, Giblin and stated that he would be working on drafting a master MSBU-type sample Ordinance.

(2:56 p.m.)
Commissioner Jacalone:

No report.

(2:56 p.m.)
Commissioner Maguire:

Maguire mentioned that he met with Representative Don Davis and Representative Dick Kravitz to discuss the MPO issue. He stated that Thursday morning at 9:00 a.m., he would meet with Mayor Peyton and take one of the Commissioners from Clay County with him to make a presentation.

(07/08/03 - 13 - 2:57 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board about the Joint County Commission and School Board Meeting scheduled for July 23, at the School Board Headquarters on Orange Street at 9:00 a.m.

(07/08/03 - 13 - 3:02 p.m.)
COUNTY ATTORNEY'S REPORT

Lopez stated that Dan Bosanko requested that the Board confirm, by motion and vote ,the members of the Value Adjustment Board; Commissioner Jacalone, Commissioner Bryant, Commissioner Stern as members, and Commissioner Maguire as an alternate. **Motion by Jacalone, seconded by Bryant, carried 5/0, that the afore-mentioned members be appointed to the Value Adjustment Board.**

(07/08/03 - 14 - 3:03 p.m.)
CLERK OF COURT'S REPORT

No report.

Motion by Bryant, seconded by Jacalone, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 3:03 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check No. 336968 through 336973 totaling \$105,550.65 (07/01/03)
2. St. Johns Board of County Commissioners Check Register, Check No. 336676 through 336967 totaling \$745,818.51 (07/01/03)

CORRESPONDENCE:

1. Letter dated July 2, 2003 to Liz Cloud, Chief, Bureau of Administrative Code, filing St. Johns County Ordinance No. 2003-58.

Approved July 22, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Uwonne King
Deputy Clerk