

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 22, 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
Marc Jacalone, District 3
Bruce Maguire, District 4
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Absent was: Nicholas Meiszer, District 1

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director

(07/22/03 - 1 - 9:03 a.m.)

The meeting was called to order by Chairman Bryant.

(07/22/03 - 1 - 9:03 a.m.)

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

(07/22/03 - 1 - 9:04 a.m.)

ROLL CALL

Bryant stated that Commissioner Meiszer would be absent today and have Commissioner Stern, Commissioner Bryant, Commissioner Jacalone and Commissioner Maguire in attendance.

(07/22/03 - 1 - 9:05 a.m.)

PROCLAMATION DESIGNATING JULY 17, 2003 AS ZORA NEALE HURSTON DAY

Stern read the proclamation and Mrs. Pasco accepted it.

(07/22/03 - 1 - 9:07 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Stern, seconded by Maguire, carried 4/0 with Meiszer absent, to accept the proclamation.

(07/22/03 - 1 - 9:07 a.m.)

PUBLIC COMMENT

Roger Van Ghent, 4005 Moultrie Foreside Blvd., congratulated the Board for appointing Mark Middlebrook to the LAMP Board.

(9:10 a.m.) Thomas Selvig, 3080 Cortez Road, spoke on a client of his purchasing a hundred and fifty acre hardwood forest tract off of County Road 208, and stated that she

wishes to create a nature preserve from this land. He mentioned that when she bought the property, the Rayonier Corporation had already executed a timber contract to cut the trees down. Selvig stated that his client had asked him to approach the one with the timber contract, to buy the contract out, to preserve the forest and they had agreed to do so. Rayonier was against it. He requested that the county approach Rayonier to agree to accept a cash payment and leave the forest.

(07/22/03 - 2 - 9:12 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(07/22/03 - 2 - 9:12 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Jacalone, seconded by Stern, carried 4/0 with Meiszer absent, to approve the Consent Agenda as submitted.

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
06/24/03 - BCC Regular Meeting
07/08/03 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2003-136**, recognizing unanticipated revenue in the amount of \$44,342 and appropriating them to the Local Housing Trust Fund for use in the County SHIP Program

RESOLUTION NO. 2003-136

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 LOCAL HOUSING TRUST FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY STATE HOUSING INITIATIVES PARTNERSHIP DEPARTMENT

4. Motion to authorize consent to dispose of Public Records for the Code Enforcement Program which have been retained for the allotted time required by the State of Florida, Florida Administrative Code, Chapter 1B- 24
5. Motion to authorize consent to dispose of Public Records for the Development Review Program which have been retained for the allotted time required by the State of Florida, Florida Administrative Code, Chapter 1B- 24
6. Motion to approve a 25 miles per hour speed limit in the Plantation Subdivision located in Ponte Vedra per study prepared and certified by TPE Transportation Planners - Engineers Inc.
7. Motion to approve and authorize the Chairman to execute the contract and engagement letter with Davis Monk & Company for auditing services
8. Motion to allow the County Administrator, or his designee, to purchase one (1) 2004 Flatbed Truck with an Articulated Crane from Atlantic Truck Center at \$65,494.00
(See Attachment "A")



**ST. JOHNS COUNTY
BID TABULATION**

Revised

*Consent #8
7/22/03*

BID TITLE

PURCHASE OF ONE (1) 2004 CAB & CHASSIS, 30K GVWR, 4X2

OPENED BY

CHERYL ALBERTSON

BID NUMBER

2 WHEEL DR. W/ HYDRAULIC ARTICULATED CRANE
BID NO. 03-86

TABULATED BY

LEIGH DANIELS

OPENING DATE/TIME

July 2, 2003 3:00 P.M.

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.

VERIFIED BY

POSTING TIME/DATE

07/02/2003 4:00 PM

UNTIL
07/08/2003 4:00 PM

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OF 1 PAGE (S)

BIDDERS	TOTAL PACKAGE BID PRICE	CAB & CHASSIS BID PRICE	ARTICULATED CRANE BID PRICE	DELIVERY DATE	Price for Flatbed & Winch	
ATLANTIC TRUCK CENTER	\$65,494.00	\$35,642.00	\$29,852.00	90-110 DAY ARO	Included in total pkg. bid price	↑
HEINTEZELMAN'S TRUCK CENTER	\$64,647.53	\$38,547.50	\$26,100.00	120 DAYS	No Bid	
FREIGHTLINER OF TAMPA LLC	\$76,004.00	\$39,685.00	\$25,126.00	180 DAYS	\$11,193.00	
STAMM MGF.	\$73,316.00	\$35,948.00	\$30,588.00	60-90 DAYS ARO	\$6,780.00	
GATOR FORD TRUCK	\$74,148.00	\$36,993.00	\$37,155.00	90-45 DAYS	Included in total pkg. bid price	
KING TRUCK CENTER	\$67,011.00	\$37,159.00	\$29,852.00	90 DAYS CHASSIS 30 DAYS BODY INSTALLATION	Included in total pkg. bid price	
MAUDLIN INTERNATIONAL TRUCKS	\$67,762.00	\$37,910.00	\$26,075.00	90 DAYS ARO	\$3,777.00	

BID AWARD DATE -

Attachment "A"

9. Proofs:
 - a. Proof, Notice of Public Hearing, Ordinance # 99-51 Mid Anastasia Island Coastal Corridor Overlay District, St. Johns County, Florida, June 17, 2003 at 5:30 p.m. and July 1, 2003 at 1:30 p.m.
 - b. Proof, Notice of Public Hearing, St. Johns County Unincorporated Areas Municipal Service Taxing Unit, St. Johns County, Florida, July 1, 2003 at 9:00 a.m.
 - c. Proof, Notice of Special Meeting, St. Johns County Evaluation Review Meeting for Purchasing, St. Johns County, Florida, July 3, 2003 at 9:00 a.m.
 - d. Proof, Notice to Bidders, Bid No. 03-79
 - e. Proof, Notice to Bidders, Bid No. 03-83
 - f. Proof, Notice to Bidders, Bid No. 03-86
 - g. Proof, Notice to Bidders, Bid No. 03-91
 - h. Proof, Request for Proposals, RFP 03-92 Migrant Worker Housing Study
 - i. Proof, Notice of Adoption of Resolution, Subdivision of Hilden vacating, abandoning, discontinuing & closing certain streets, alleyways, roads or easements
 - j. Proof, Certificate of Liability Insurance, Advanced Disposal Services of Jacksonville, LLC
 - k. Proof, Certificate of Liability Insurance, Allied Waste Industries, Inc.
 - l. Proof, Certificate of Liability Insurance, Anderson Contracting Group
 - m. Proof, Certificate of Liability Insurance, Skylight Concepts, Inc.
 - n. Proof, Certificate of Liability Insurance, M & J Striping Inc.
 - o. Proof, Certificate of Liability Insurance, Alpha Staff Group, Inc.
 - p. Proof, Certificate of Liability Insurance, Waste Watchers of Jacksonville, LLC
 - q. Proof, Certificate of Liability Insurance, Waste Pro of Florida
 - r. Proof, Certificate of Liability Insurance, Construction Debris Removal Inc.
 - s. Proof, Certificate of Liability Insurance, United Service Companies
 - t. Proof, Certificate of Insurance, Onyx Waste Services Southeast, Inc.
 - u. Proof, Certificate of Insurance, Waste Management and Waste Management Inc. of Florida

(07/22/03 - 3 - 9:12 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to pull Item 9 and rescheduled it to September 9. Bosanko requested to add as Item 11, discussion on a contract to hire an expert Lawyer, and to add as Item 12, discussion on a report and settlement offer on an automobile accident. Bosanko requested to add as Item 6A, a Resolution to approve historic property for a tax exemption.

(07/22/03 - 3 - 9:14 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Stern, carried 4/0 with Meiszer absent, to approve the Regular Agenda as amended.

(07/22/03 - 3 - 9:14 a.m.)

1. PRESENTATION ON THE STATUS OF THE PABLO ROAD BRIDGE OVER THE PONTE VEDRA CANAL

Debbie Miller, Florida Department of Transportation Environmental Management Office, gave a brief presentation, utilizing visual display, Exhibit A, updating the Board on the status of the Pablo Road Bridge over the Ponte Vedra Canal. Discussion followed on the life span of the bridge, if public comments have an impact, and a rehab being done on the bridge.

(07/22/03 - 4 - 9:23 a.m.)

2. UPDATE ON THE AMPHITHEATER RENOVATIONS

Glen Hastings, Tourist Development Director, mentioned that tomorrow morning they are going to have the ground breaking for the amphitheater renovations. He reviewed the renovations that were being done, Exhibit A. He spoke on the other amphitheater being built at I-95 and SR 16. Hastings stated that the two amphitheaters would attract different kind of audiences, so there really shouldn't be much competition between the two, except for when they go out for corporate sponsorships. Jacalone voiced his concerns. Hastings spoke on funding. Maguire questioned when the amphitheater would be operational. Hasting replied that they could be operational in March, 2004.

(07/22/03 - 4 - 9:52 a.m.)

3. UPDATE ON THE EXCELSIOR BUILDING

Mike Rubin, Construction Services Director, gave an update on the Excelsior Building. He reviewed the Excelsior budget options, Exhibit A. Jacalone spoke on trimming down the budget. Discussion followed on the budget options.

(10:10 a.m.) Otis Mason, 13 Christopher Street, President of the Friends of Excelsior, stated that the Friends of Excelsior had been meeting on a regular basis spending most of their time planning for the school museum. He spoke on fund raising activities.

(10:14 a.m.) Rubin asked the Board to consider anything they can think of, as the best way to get the project going or funding ideas. Mason stated that Rubin and Staff have been very cooperative with him. Jacalone stated that he would like to go ahead with some of the ideas and give the Board a couple of weeks to get with Rubin and Staff to make some funding decisions. Adams suggested giving it two weeks and then bring it back before the Board. Bosanko stated that he would do a review of the current obligations on what kind of uses they could put in that building, and then Adams and Staff would know what limits they had to work with.

(07/22/03 - 4 - 10:18 a.m.)

4. DISCUSSION OF THE VIOLATIONS OF THE NON-EXCLUSIVE COMMERCIAL SOLID WASTE COLLECTION AND TRANSPORTATION

John Schwab, Special Projects Manager, reviewed this item, stating that Waste Pro operated in St. Johns County prior to their August 1st contract. He stated that there were four businesses that had Waste Pro cans placed on their sites. They have been serving Amoco since March and taking their material to Palatka or Putnam County Land Fill.

(10:21 a.m.) Michael Hunt, Assistant County Attorney entered the meeting. Bryant stated that he thought that this needed to have some kind of penalty applied to it. Discussion followed on the dumpsters being removed that were placed there before their time, on how long the dumpsters were at these sites, applying penalty to the exclusive franchisee for not living up to the contract, and on a franchise serving a commercial account that has not paid.

(10:25 a.m.) Jim Cinelli, 671 Holmes Blvd., Local Manager for Waste Pro, explained why they put their containers out before August 1. Jacalone gave his opinion, suggesting that Waste Pro pay the existing franchise for their lost. Hunt explained what the county can and cannot do in this situation.

(10:31 a.m.) Kim Westover, 2429 Casey Lane, Seaboard Waste System's General Manager, spoke on Waste Pro violating their franchise agreement. Hunt spoke on the options the County had, in dealing with a franchise violating their agreement. Discussion followed on

reducing the length of the franchise term, and dumpsters being all over the county and in place before the service date.

The meeting recessed at 10:42 a.m. and reconvened at 10:55 a.m.

Maguire had not returned to the meeting after the recess.

(07/22/03 - 5 - 10:55 a.m.)

5. CONSIDER MOTION TO ALLOW THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH WASTE MANAGEMENT FOR BID NO. 03-74, COMMERCIAL SOLID WASTE COLLECTION AT THE VARIOUS ST. JOHNS COUNTY DEPARTMENTS IN THE AMOUNT OF \$29,964.00

Schwab reviewed this item, stating that Waste Management was the low bid. (10:57 a.m.) Maguire returned to the meeting. (10:56 a.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Meiszer absent, to allow the County Administrator, or his designee, to enter into contract with Waste Management for Bid No. 03-74, Commercial Solid Waste Collection at the Various St. Johns County Departments in the amount of \$29,964.00.**

(07/22/03 - 5 - 10:57 a.m.)

6. CONSIDER MOTION TO AUTHORIZE THE COMPLETION AND EXECUTION OF THE FY 2004 FORM DR-420'S BY THE COUNTY ADMINISTRATOR AND THE ESTABLISHMENT OF SEPTEMBER 16, 2003 @ 5:30 PM IN THE COUNTY AUDITORIUM AS THE FIRST PUBLIC HEARING FOR THE ADOPTION OF THE FISCAL YEAR 2004 ANNUAL BUDGET

Joe Vonasek, Director of the Office of Management and Budget, reviewed this item, stating that he was asking for the Board to consider the motion to authorize the completion and execution of the FY 2004 Form DR-420's by the County Administrator. Vonasek explained the adjustment in the millage rate. Bryant spoke on not raising taxes, but just shifting money to provide the services to the needy citizens. (11:05 a.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Meiszer absent, to authorize the completion and execution of the FY 2004 Form DR-420's by the County Administrator and establish September 16, 2003 @ 5:30 P.M. in the County Auditorium as the first public hearing for the adoption of the Fiscal Year 2004 Annual Budget.**

(07/22/03 - 5 - 11:06 a.m.)

- 6A. RESOLUTION APPLICATION EXEMPTION FOR HISTORIC PROPERTIES

Bosanko stated this item had to do with an application for a historic property tax exemption. Hunt left the meeting and Laura Barrow, Assistant County Attorney, entered the meeting.

(11:07 a.m.) Leslie Keys, P.O. Box 457, explained that this is a 5-year exemption on City and County taxes on the Historic Properties located at 24 Cathedral Place, St. Augustine. Barrow explained this resolution, stating the requirement of the State Statute. (11:13 a.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0 with Meiszer absent, to adopt Resolution No. 2003-137, contingent on the agreement being entered into by the property owner and the County as far as the Historic Preservation Property Tax Exemption Covenant.**

RESOLUTION NO. 2003-137

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTIES LOCATED AT 24 CATHEDRAL

PLACE, ST. AUGUSTINE, FLORIDA, IN ACCORDANCE
WITH ST. JOHNS COUNTY ORDINANCE 97-61 AND
SECTION 196.1997, FLORIDA STATUTES

(07/22/03 - 6 - 11:14 a.m.)

COMMISSIONERS' REPORTS

(11:14 a.m.)

Commissioner Maguire:

Maguire mentioned at the Airport Authority monthly meeting, there was a request of the City and the County to research into a joint resolution regarding noise abatement, signatures and noticing requirements for people who develop properties in the immediate areas of the airport.

(11:16 a.m.)

Commissioner Jacalone:

No report.

(11:16 a.m.)

Commissioner Stern:

No report.

(11:16 a.m.)

Commissioner Bryant:

Bryant reported on the proposed Taxicab Ordinance. Hunt gave an update on the Ordinance regarding permitting taxicab drivers. Hunt stated that there is no jurisdiction in the City, unless the City enters into an interlocal agreement with the County.

(07/22/03 - 6 - 11:20 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams spoke on the Joint BCC/School Board meeting scheduled for tomorrow. He also spoke on the Amphitheater ground breaking being tomorrow.

(07/22/03 - 6 - 11:21 a.m.)

COUNTY ATTORNEY'S REPORT

Bosanko mentioned that he will not make the Joint BCC/School Board meeting, but that Hunt will take his place. He also mentioned that this afternoon he has a medical appointment that he cannot avoid, so he asked the Board to hold Item 10, scheduled for this afternoon, until he gets back at 3:00 p.m. If they happened to finish early, take a recess and wait on him.

(07/22/03 - 6 - 11:22 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:22 a.m. and reconvened at 1:33 p.m. with Bryant, Stern, Jacalone, Maguire, Adams, Isabelle Lopez, Assistant County Attorney, Cheryl Strickland, Clerk of Courts, and Robin Platt, Deputy Clerk present.

(07/22/03 - 7 - 1:33 p.m.)

7. PUBLIC HEARING - NZVAR 03-009 COATES CONSTRUCTION DRIVEWAY/ASTURIAS STREET - THE APPLICANT, MR. JOHN THOMAS COATES, OWNER OF LOTS 9, 10, 1, AND PART OF LOT 2 OF BLOCK C, WALLER PARK SUBDIVISION SEEKS A NON-ZONING VARIANCE OF PART 6.04.00 OF THE LAND DEVELOPMENT CODE. THE APPLICANT DESIRES TO ACCESS LOTS 1 AND 2 BY CONSTRUCTING A 12-FOOT WIDE DRIVEWAY ON PLATTED COUNTY RIGHT-OF-WAY ALONG THE SOUTHERNMOST SECTION OF UNOPENED ASTURIAS STREET. THE PROPOSED DRIVEWAY WILL BE APPROXIMATELY 85 FEET IN LENGTH. THE APPLICANT PROPOSES CONSTRUCTION OF A 24-FOOT DIAMETER CUL DE SAC NEAR THE END TO FACILITATE ACCESS BY EMERGENCY VEHICLES

Proof of publication of the Notice of Public Hearing regarding NZVAR 03-009, Coates Construction Driveway, was received having been published in *The St. Augustine Record* on July 7, 2003.

Richard Tomich, Development Review Chief Engineer, presented the details of this item and explained that the applicant would like to build his driveway in the unopened right-of-way of Asturias St. He illustrated the area with two photos, Exhibit A. Bryant stated that there was a lot of encroachment into the right-of-way by fences, driveways, mailboxes, etc., in this general area, and that he could see from the photos that those particular driveways were in the right-of-way. Tomich stated that the applicant's first request for the width of the driveway was 12 feet, but he recommended that it be 20 feet due to the short length of the road, and they could then do away with the cul de sac and place an 18-foot wide turn around. Discussion followed regarding zoning and density and alternative assess points, as pointed out on a plat map, Exhibit B. (1:41 p.m.) Tomich stated that there is a buffer required between A1A and the residential properties and that it is not within code to open a road onto a collector road. (1:42 p.m.) Bryant questioned if the driveway shown on Exhibit A was encroaching into the right-of-way, and Tomich responded that it was.

(1:43 p.m.) Tom Coates, 1829 Old Beach Rd., stated that he wanted the County to bring the road to him, and that he was only requesting a 12 foot access to the property in order to make a lesser impact on the neighbors.

(1:44 p.m.) Jacalone stated that it was not the County's job to open unopened rights-of-way to parcels that are not developed.

(1:45 p.m.) Fred Schmidt, 1835 Asturias St., spoke in opposition to the variance, as he feels that it would have a negative impact on property values and disrupt the vegetation. He stated that Coates could gain access to his lots from Santander St., and that the previous owner had the end of Asturias vacated, although he could find no record of the vacation. Allowing the road to go in where requested would create a flooding problem for the neighbors. Allen MacDonald, Finance Director, entered the meeting.

(1:47 p.m.) Bryant asked if the roadway had been vacated and Schmidt stated that he could not find any record. Bryant questioned what affect there has been on property values by the right-of-way encroachments that already exist. Schmidt stated that he was not there to complain about the driveways that already existed. Discussion followed regarding access through the unopened portion of Asturias St. and the history of the vacation request.

(1:51 p.m.) Fred H. Porter, 1733 Asturias St., stated that if this request were approved it could create a public safety issue for emergency vehicles, and that opening this end of the street would alter the character of the neighborhood. He feels that direct access from

Santander St. would be the logical solution and he displayed photographs of the intersection as Exhibit C.

(1:54 p.m.) Paul Crutchfield, 1445 Corunna St., indicated where his driveway was located and pointed out on a drawing, Exhibit D, the topography of the area and stated that the proposed driveway would have to go through the dune ridge and be stabilized with a retaining wall, and he questioned who would be responsible for that. (1:59 p.m.) Jacalone questioned why the driveway could not be constructed on the slope without cutting the right-of-way down to elevation. Crutchfield explained that the dune falls to the east and discussion followed.

(2:01 p.m.) John Barber, 1427 Corunna St., stated that when he bought his house, he found out at closing that the driveway was in the right-of-way, and illustrated his point on, Exhibit E, a survey map of his property and he illustrated the elevation of the property with, Exhibit F. He stated that he thought that the neighborhood was designed to be natural. He then showed a series of photos of other properties in the area, Exhibit G, and a map showing Mr. Coates' lots, Exhibit H.

(2:10 p.m.) Jacalone stated that the rear section of the lot has access from A1A and he questioned why access could not be made from A1A. (2:12 p.m.) Tomich responded that the Code does not allow access from a collector road, and that a waiver would be needed.

(2:13 p.m.) Isabelle Lopez, Assistant County Attorney, stated that the State would not permit a driveway from A1A due to the configuration of A1A at that location.

(2:16 p.m.) Maguire suggested that Mr. Barber check his title insurance policy regarding his driveway being constructed in the right-of-way and stated that he would like to see another alternative to the proposed plan, possibly access from A1A. Discussion followed regarding the width of the driveway.

(2:19 p.m.) Coates stated that he has not yet decided how he wants to develop the lots and pointed out that he also lives and works in this neighborhood. He said that what he was asking for would have a smaller impact than opening the road to 40 feet. Maguire suggested closing the road, deeding it to the property owners, and allowing Coates access from A1A.

(2:23 p.m.) Lopez stated that she spoke to Gail Oliver, County Surveyor, who stated that she had nothing in writing from DOT about access from A1A.

(2:24 p.m.) Stern asked Coates to address the elevation issue. He responded that he would have to adhere to County standards. Stern said she would be in favor of continuing this item until an answer could be obtained from DOT about access from A1A. Jacalone concurred.

(2:25 p.m.) Adams commented that the next Board meeting would be August 12, and that the item could be brought back then.

(2:26 p.m.) Kathy Nielsen, Development Review Coordinator, responding to questioning from Jacalone, stated that every single-family residential lot with a driveway connecting to a State Road requires a DOT driveway permit.

(2:27 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Meiszer absent, to continue this item until August 12th at 1:30 p.m.** Lopez left the meeting.

(07/22/03 - 8 - 2:28 p.m.)

8. PUBLIC HEARING - AN ORDINANCE REMOVING THE COUNTY IMPOSED CAP ON THE AD VALOREM MUNICIPAL SERVICE UNIT TAXES THAT

MAY BE LEVIED AND COLLECTED EACH YEAR IN THE ST. JOHNS COUNTY FIRE PREVENTION AND CONTROL DISTRICT - ON JULY 1, 2003, THE BOARD DIRECTED STAFF TO PREPARE AN ORDINANCE REMOVING THE COUNTY IMPOSED CAP ON THE AD VALOREM MUNICIPAL SERVICE UNIT TAXES THAT MAY BE LEVIED AND COLLECTED EACH YEAR IN THE ST. JOHNS COUNTY FIRE PREVENTION AND CONTROL DISTRICT

Proof of publication of the Notice of Public Hearing regarding the MSTU on Fire Services was received, having been published in *The St. Augustine Record* on July 11, 2003.

James Sisco, Assistant County Attorney, explained that the Board requested an Ordinance that would remove the County cap on the millage and taxes that could be levied in the fire MSTU. Jacalone explained that the Board could make changes to, or eliminate, the cap at will. Sisco agreed that it could at a public hearing. (2:31 p.m.) Maguire supported having consistency across the board, and stated that has heard from a lot of citizens in Ponte Vedra who were concerned with the impact of eliminating the cap. (2:32 p.m.) Bryant asked if the Board could raise the cap in the future if it decided to, Sisco explained that if this Ordinance is not passed, the cap would remain and it could be changed by the Board. Bryant stated that he feels that the cap should remain to give the residents confidence that the rate would not be raised. He did not support removing the cap. Discussion followed on removing the County imposed cap, the State cap and setting the millage rate.

(2:39 p.m.) **Motion by Maguire, seconded by Jacalone, carried 3/1 by roll call vote with Bryant dissenting and Meiszer absent, to enact Ordinance No. 2003-61.**

Roll Call Vote:

Bryant	nay
Stern	aye
Jacalone	aye
Maguire	aye

ORDINANCE NO. 2003-61

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 74-6, AS PREVIOUSLY AMENDED BY ORDINANCE NOS. 80-56, 84-10, 2001-29 AND 2003-58, WHICH IS THE ORDINANCE THAT CREATED THE MUNICIPAL SERVICE TAXING UNIT (THE "MSTU") THAT CONSISTS OF ALL OF THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA, AND ALSO THE AREAS OF THOSE MUNICIPALITIES WITHIN THE COUNTY THAT HAVE CONSENTED BY ORDINANCE TO BE INCLUDED WITHIN THE MSTU (CURRENTLY THE CITY OF ST. AUGUSTINE BEACH) AND THAT IS KNOWN AS THE ST. JOHNS COUNTY FIRE PREVENTION AND CONTROL DISTRICT. THIS AMENDMENT REMOVES THE COUNTY IMPOSED CAP ON THE AD VALOREM MUNICIPAL SERVICE TAXING UNIT TAXES THAT MAY BE LEVIED AND COLLECTED EACH YEAR IN THE MSTU; AND IT PROVIDES AN EFFECTIVE DATE

(2:40 p.m.) Adams proposed to the Board that they cancel the Tuesday, September 2, 2003, meeting in conjunction with Labor Day. **Motion by Bryant, seconded by Stern, carried**

4/0 with Meiszer absent, to not have a meeting on September 2nd, and possibly meet on the fifth Tuesday, if needed.

(2:42 p.m.) Bryant addressed the options for operating the SJC Primary Care Clinic, and pointed out that Dr. Marathe's contract would automatically renew if the Board did not take action. Michael Hunt, Assistant County Attorney, stated that there is a 60-day notification period for the Primary Care Clinic and a 30-day notification period for the Hastings Clinic. (2:43 p.m.) **Motion by Bryant, seconded by Jacalone, carried 4/0 Meiszer absent, to notify Dr. Marathe of Medical Specialist that the contract will not be automatically renewed for the upcoming year.**

(2:44 p.m.) Bryant recessed the meeting until 3:00 p.m. with Hunt leaving the meeting.

9. PUBLIC HEARING - TRANSMITTAL HEARING FOR THE PROPOSED COMPREHENSIVE PLAN AMENDMENTS REQUESTED FOR THE PROPOSED RIVERTOWN DRI (FILE NO. COMPAMD 2003-02 (RIVERTOWN) - THIS IS THE TRANSMITTAL HEARING FOR THE PROPOSED COMPREHENSIVE PLAN AMENDMENTS AS REQUESTED FOR THE RIVERTOWN DEVELOPMENT OF REGIONAL IMPACT (DRI). THE PROPOSED AMENDMENTS WERE SUBMITTED CONCURRENTLY WITH THE PROPOSED DRI. THE PROPOSED AMENDMENTS INCLUDE: 1. AMEND THE FUTURE LAND USE MAP FROM RURAL/SILVICULTURE TO RESIDENTIAL-B, COMMUNITY CENTER DISTRICT, AND MIXED USE. 2. AMEND OBJECTIVE H.1.6 TO ADD A POLICY AUTHORIZING THE RIVERTOWN DRI TO UTILIZE THE STANDARDS AND GUIDELINES AS ESTABLISHED IN CHAPTER 163.3180(12), FLORIDA STATUTES, ALLOWING THE PAYMENT OF A PROPORTIONATE SHARE CONTRIBUTION TO ADDRESS TRANSPORTATION CONCURRENCY (PIPELINING). 3. AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE TO ADD PUBLIC FACILITY IMPROVEMENTS PROPOSED IN THE RIVERTOWN DRI. 4. AMEND POLICY A.1.3.8 TO ADD THAT A COMMUNITY CENTER DISTRICT WILL BE LOCATED WITHIN THE RIVERTOWN DRI, ALONG THE EAST AND WEST SIDE OF SR 13 AND WILL NOT EXCEED 1,600 FEET OF ROADWAY FRONTAGE. 5. AMEND THE 2015 TRAFFIC CIRCULATION MAP TO INCLUDE ROAD IMPROVEMENTS PROPOSED IN THE RIVERTOWN DRI

This item was pulled from the Agenda.

(3:03 p.m.) Bryant called the meeting back to order.

(07/22/03 - 10 - 3:03 p.m.)

10. CONSIDER OFFER TO SETTLE LAWSUIT OF SAMPSON CIVIC ASSOCIATION, ET AL. VS. ST. JOHNS COUNTY, ET AL. STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS CASE NO. 03-2411

Dan Bosanko, County Attorney, explained that this lawsuit pertains to two developments in northwest St. Johns County, Aberdeen and Durbin Crossing. The petitioners are concerned with the effects the developments would have on the area. He stated that Staff has been talking with the Sampson Civic Association and other individuals, as well as the developers of Aberdeen and Durbin Crossing, regarding finding a way to settle the case. There have been settlement proposals from the petitioners and the developer's representative, John Matcalf, which have been rejected by the various parties involved in the suit. There have also been ongoing negotiations that have failed. Bosanko stated that John Matcalf would like to bring a proposal to the Board that was rejected by Staff

yesterday. Bosanko stated that if the case could not be settled today his office is prepared to go forward with litigation.

(3:07 p.m.) Joe Stephenson, Public Works Director, explained that the technical standards in Exhibit C meet his approval, but the petitioners have rejected that proposal.

(3:08 p.m.) John Matcalf, 245 Riverside Ave., Jacksonville, representing South Star Developers, stated that there are two versions of the settlement agreement that have been proposed and stated that in both versions the obligations of the developer are the same. He addressed the history of Russell Sampson Road and the County's commitment to bring the portion from CR210 to the St. Johns Forest PUD entrance up to County specifications, and that South Star is committed to improving another section of the roadway. He illustrated the improvements on Exhibits A and B, and explained the developer's construction obligations. He then outlined the obligations that are being requested of the County. The first would require an amount of money equal to the complete costs of the County's road segment, minus what was contributed by Taylor Woodrow, to be set aside from funds from the current year's budget. The second provision would require the County to commence acquisition of right-of-way necessary for the County's segment within six months and to be completed within eighteen months. Lastly, that the Board asked Staff to prepare a Comprehensive Plan Amendment to include that road segment in the five year CIP schedule. Matcalf stated that Staff did not accept those three stipulations. He further addressed the funding negotiations and stated that the two items that are separating the parties are the provisions for designating funds for the County's roadway obligation and the timing of right-of-way acquisition.

(3:17 p.m.) Bosanko agreed there are two issues keeping the parties from a resolution. He addressed the issue of right-of-way acquisition and stated that the plan is to do the road in a seven-year period. It appears, at present, that there will be a couple of properties that the County will have to go to court on in the eminent domain process to acquire, and that is an unpredictable process with juries and appeals. Therefore, the provision regarding right-of-way acquisition, in Bosanko's professional opinion, is totally unacceptable. He then addressed the issue of setting aside funds for the roadway improvement by stating that the County is not totally obligated to do its' improvements in the seven year period, but that the County will lose the funds from Taylor Woodrow if the road is not improved within seven years. He said that possibly monies could be taken from ad valorem funds and set aside, but there would be limitations as to how the monies could be legally tied up. He reviewed other offers that were made in the negotiation process and discussion followed regarding right-of-way acquisition. (3:25 p.m.) Joe Stephenson explained the current status of Russell Sampson Road and discussion followed on the impracticality of the proposed acquisition timeline and the portion of the road that is to be improved by the developer.

(3:31 p.m.) Jacalone stated that the County is making an honest effort to get moving on this project, but that he could not accept any type of settlement agreement that is currently being offered due to the two proposed requirements, and that the County should be prepared to defend itself against the suit, but still be open to hear other offers.

(3:32 p.m.) Bosanko explained that there are two general ways of doing eminent domain in Florida, the quick take and the long take, and he explained those processes.

(3:34 p.m.) Maguire questioned if this would be a two-lane or a four-lane right-of-way, Stephenson responded that it would be a two-lane road.

(3:34 p.m.) Matcalf explained that he was there to try to reach a resolution between all parties, instead of wasting time and money on litigation that could be used for other purposes, and that he is very committed to seeing this issue resolved. He addressed the

two issues that are keeping the parties from reaching an agreement and the points that could be negotiated. He requested that the Board at least today authorize Staff to sign the agreement that was acceptable to them. He explained that there are two suits that were filed, one against the County with the Department of Community Affairs and one against the developer's Development Order in the courts.

(3:43 p.m.) Maguire suggested passing what Staff recommended and continuing the negotiations.

(3:44 p.m.) Terrell Arline, 3205 Brentwood Way, Tallahassee, representing the Civic Association, stated that he came today to negotiate with Staff, not with the Board. Discussion followed regarding the negotiations that took place last evening, and Maguire stated that he would never vote for a time criteria on the property acquisition. Matcalf offered other possible points for negotiations.

(3:49 p.m.) Bryant stated that there were more items on the agenda that needed to be heard and suggested that the parties who wished to continue this discussion move to the Conference Room and come back to the Board if an agreement had been reached. Jacalone suggested authorizing entering into a settlement agreement that is acceptable to Staff and nothing else, so that if something changed it could be brought back to the Board.

(3:50 p.m.) *Motion by Jacalone to authorize the {County} Administrator, or his designee, to sign a settlement agreement, acceptable to Staff.* The motion died for lack of a second. Bosanko reviewed what would be acceptable to Staff.

(3:52 p.m.) Motion by Bryant, seconded by Stern, carried 4/0 with Meiszer absent, to continue this item to allow the next two items to be addressed.

(4:08 p.m.) Subsequently, Bosanko asked that the Board accept the last version of the agreement that was approved by Staff.

(4:08 p.m.) Motion by Jacalone, seconded by Stern, carried 4/0 with Meiszer absent, to approve the version of the settlement agreement that Staff had agreed to as of last night, that was at that time not acceptable.

(07/22/03 - 12 - 3:52 p.m.)

11. CONTRACT TO HIRE AN EXPERT WITNESS FOR THE WETLAND BUFFER STUDY

Dan Bosanko, County Attorney, stated that this item is a request to approve funds to pay for an expert witness for the purpose of assisting the County in its defense against litigation regarding wetland buffers. He also requested approval to enter into a contract for these services, and stated that the cost would not exceed \$35,000. The funds would come from the General Reserves and the County would be billed monthly for hours.

(3:55 p.m.) Jacalone supported the request and asked that the consultant be completely briefed on the type of support that would be needed. **Motion by Jacalone, seconded by Stern, carried 4/0 with Meiszer absent, to allow the County Administrator, or his designee, to enter into a contract with BDA Environmental Consultants, not to exceed \$35,000, and to include a transfer, not to exceed \$35,000, from the General Fund Reserves.**

(07/22/03 - 12 - 3:57 p.m.)

12. REPORT ON A SETTLEMENT OFFER REGARDING AN AUTOMOBILE ACCIDENT

Dan Bosanko, County Attorney, stated that he received a letter a few days ago regarding a case in which an individual is suing the County based on an automobile accident. He stated that Staff and the County's attorney believed that the County was not at fault at all. There was a ticket issued in the accident to the other person in the case, but the person who struck the County vehicle filed a claim for \$12,000, which has now been reduced to \$10,000. Bosanko suggested not offering them anything, but counter suing. (3:59 p.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0 with Meiszer absent, to not accept the offer, and to pursue compensation for the damages that the County vehicle sustained.** Bosanko stated for the record that the case is Floyd Stephen Register vs. Dorothy Clary, et al.

The meeting recessed at 4:00p.m. and reconvened at 4:08 p.m. with Strickland no longer in attendance and resumed with Item 10.

(4:09 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Meiszer absent, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 4:09 p.m.

Approved _____ August 8 _____, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk

