

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 16, 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: Karen Stern, District 2, Chair
Bruce Maguire, District 4, Vice Chair
Nicholas Meiszer, District 1
James E. Bryant, District 5
Ben W. Adams, Jr., County Administrator
Michael Hunt, Deputy County Attorney
Lenora Newsome, Deputy Clerk

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

(12/16/03 - 1 - 9:05 a.m.)

The meeting was called to order by Chair Stern.

(12/16/03 - 1 - 9:05 a.m.)

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

(12/16/03 - 1 - 9:06 a.m.)

ROLL CALL

Stern stated that four Commissioners were present with Jacalone being on vacation.

(12/16/03 - 1 - 9:06 a.m.)

PUBLIC COMMENT

Col. Edwin Taylor, 3665 Crazy Horse Trail, spoke on locating the new National Cemetery.

(9:08 a.m.) Daniel Hughes, 1 Wildwood Place, Palm Coast, spoke on the history of National cemeteries. He asked for the Board's support on locating the National Cemetery in St. Johns County. Discussion followed on where to place the new cemetery.

(9:19 a.m.) Louise Thrower, 288 Orange Avenue, spoke on the transportation and growth article which was by Maguire published in the *CreekLine* in December, 2003.

(9:22 a.m.) Collier Black, 8052 Whisper Lake Lane West, voiced concern about the contracting violations incurred by Orkin Exterminating Company, Inc., and Rollins, Inc. He spoke on Orkin and Rollins doing home repairs illegally.

(9:28 a.m.) Elizabeth Allen, 1218 Salt Creek Island Drive, stated that her situation was very similar to Collier Blacks. She stated that it was an industry-wide problem. Hunt stated that they had been apprised of this situation, had been discussing it and aggressively looking at all the options. Adams mentioned that he met last week with

the building staff and was placing this item on the Agenda on January 13 for discussion. Meiszer mentioned bringing in Roland Holt to speak on this situation.

(12/16/03 - 2 - 9:35 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(12/16/03 - 2 - 9:36 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to adopt **Resolution No. 2003-245**, to set a public hearing for 1:30 p.m. on January 6, 2004 for closing and abandoning a certain portion of right-of-way located on County Road 203 (a/k/a Ponte Vedra Boulevard)

RESOLUTION NO. 2003-245

A RESOLUTION SETTING A PUBLIC HEARING FOR 1:30 P.M. ON JANUARY 6, 2004 FOR CLOSING AND ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY LOCATED ON COUNTY ROAD 203 (A/K/A PONTE VEDRA BOULEVARD)

3. Motion to adopt **Resolution No. 2003-246**, approving a Lease Agreement from Porter St. Johns, Inc. authorizing rental space in Depot Plaza to St. Johns County to be occupied by St. Johns County Housing and Community Services staff

RESOLUTION NO. 2003-246

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LEASE AGREEMENT FROM PORTER ST. JOHNS INC., AUTHORIZING RENTAL SPACE IN DEPOT PLAZA TO ST. JOHNS COUNTY TO BE OCCUPIED BY ST. JOHNS COUNTY HOUSING AND COMMUNITY SERVICES STAFF

4. Motion to a adopt **Resolution No. 2003-247**, accepting two Easements for Utilities for water and sewer service for residents in Ocean Grove Subdivision for the existing water main and new sewer force main

RESOLUTION NO. 2003-247

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TWO EASEMENTS FOR UTILITIES FOR WATER AND SEWER FOR RESIDENTS IN OCEAN GROVE SUBDIVISION FOR THE EXISTING WATER MAIN AND NEW SEWER FORCE MAIN

5. Motion to adopt **Resolution No. 2003-248**, approving the terms and authorizing the execution of Agreements and accepting Grant of Easements necessary for the drainage improvements on Web Foot Place in the Cunningham Creek Unit III Subdivision.

RESOLUTION NO. 2003-248

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS AND ACCEPTING GRANT OF EASEMENTS NECESSARY FOR THE DRAINAGE IMPROVEMENTS FOR WEB FOOT PLACE IN THE CUNNINGHAM CREEK UNIT III SUBDIVISION

6. Motion to allow the County Administrator, or his designee, to purchase Four- (4) 2004 ½ Ton Pickup Trucks 4X2 from the Florida Sheriffs' Association Contract bidder, Garber Chevrolet, in the amount of \$51,790.00 for the Utility Department (*See Attachment "A"*)
7. Motion to allow the County Administrator, or his designee, to purchase Four (4) 2004 Mid Size Sport Utility Vehicles 4X2 from the low bidder, Garber Chevrolet, on the Florida Sheriffs' /County's Association bid in the amount of \$75,970.00 for the State Attorney's Office (*See Attachment "B"*)
8. Motion to allow the County Administrator, or his designee, to purchase Five-(5) 2004 ½ Ton Pickup Trucks 4X4 from the lowest responsive bidder, Maroone Dodge LLC, in the amount of \$92,910.00 for the Development Services Department (*See Attachment "C"*)
9. Motion to allow the County Administrator, or his designee, to purchase One (1) Motor Grader from Ring Power Corporation in the amount of \$ 73,348.00 for the Road & Bridge Department (*See Attachment "D"*)

(12/16/03 - 3 - 9:36 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern requested to add, a reduction of notice for temporary use, as Item A1. Hunt requested to pull Items 10 and 12 and reschedule TO the meeting of January 6, 2004.

(12/16/03 - 3 - 9:36 a.m.)

APPROVAL OF REGULAR AGENDA

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

(12/16/03 - 3 - 9:36 a.m.)

A1. REDUCTION OF NOTICE PROVISIONS FOR TEMPORARY USE TO BE LOCATED AT MICKLERS LANDING PSD AND WAIVER OF TEMPORARY USE FEE

Teresa Bishop, Planning Director, explained that this item was pulled at the last meeting because of not being advertised properly. According to Bishop, this applicant asked if this item could be heard sooner than January 6. She asked that the notice

**ST. JOHNS COUNTY
BID TABULATION**



LEIGH DANIELS

SARAH BARNETT

[Handwritten signatures]

*Consent #6
12/16/03*

BID TITLE PURCHASE OF FOUR (4) 2004 1/2 TON PICKUP TRUCK 4X2
BID NUMBER BID NO. 04-23
OPENING DATE/TIME November 26, 2003 3:00 P.M.
POSTING TIME/DATE FROM 11/26/2003 4:00 PM UNTIL 12/03/2003 4:00 PM

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.

OPENED BY LEIGH DANIELS
TABULATED BY SARAH BARNETT
VERIFIED BY

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL PACKAGE BID PRICE	DELIVERY DATE	MAKE/MODEL			
GATOR FORD	\$56,241.00	60-90 ARO	FORD F-150 HERITAGE			
CHAMPION CHEVROLET	\$57,143.00	60-70 DAYS ARO	CHEVY C1500 SILVERADO			
BECK AUTO SALES, INC.	\$63,490.00	60-90 DAYS ARO	DODGE RAM 1500			
ORVILLE BECKFORD FORD/MERCURY	\$62,590.00	45-60 DAYS ARO	FORD F150			
TROPICAL FORD INC.	\$53,106.80	90 DAYS ARO	FORD F-150	*	↳	

* REJECT ALL BIDS. ORDER FROM SHARIF'S CONTRACT - BID.

[Handwritten signature]

Attachment "A"

BID AWARD DATE - _____



**ST. JOHNS COUNTY
BID TABULATION**

*Consent # 7
12/16/03*

BID TITLE PURCHASE OF FOUR (4) 2004 MID SIZE SPORT UTILITY VEHICLE 4X2
BID NUMBER BID NO. 04-21
OPENING DATE/TIME November 19, 2003 3:00 P.M.
POSTING TIME/DATE FROM 11/19/2003 4:00 PM UNTIL 11/24/2003 4:00 PM

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.

OPENED BY LEIGH DANIELS
TABULATED BY CHERYL ALBERTSON
VERIFIED BY *[Signature]*

PAGE (S) 1 **OF** 1 **PAGE (S)**

BIDDERS	TOTAL PACKAGE BID PRICE	DELIVERY DATE	MAKE/MODEL				
MIKE DAVIDSON FORD	\$79,660.00	6-8 WEEKS	FORD EXPLORER XLS				
DON REID FORD	\$83,864.00	75-90 DAYS	FORD EXPLORER				
ORYILLE BECKFORD FORD	\$82,120.00	\$45-60 DAYS	FORD EXPLORER				
CHAMPION CHEVROLET	\$77,584.00	60-70 DAYS	CHEVROLET BLAZER				
<i>CHARBER CHEVROLET</i>	<i>\$75,970.00</i>	<i>60-70 DAYS</i>	<i>CHEVROLET BLAZER</i>	<i>FLORIDA SHEKIFF'S BID</i>			

Attachment 'B'



BID AWARD DATE - _____

**ST. JOHNS COUNTY
BID TABULATION**



*Consent # 8
12/16/03*

BID TITLE PURCHASE OF FIVE (5) 2004 1/2 TON PICKUP TRUCK 4X4
BID NUMBER BID NO. 04-15
OPENING DATE/TIME November 12, 2003 3:00 P.M.
POSTING TIME/DATE FROM 11/22/2003 4:00 PM UNTIL 11/17/2003 4:00 PM

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.

OPENED BY LEIGH DANIELS
TABULATED BY CHERYL ALBERTSON
VERIFIED BY

PAGE (S) 1 OF 2 PAGE (S)

BIDDERS	TOTAL PACKAGE BID PRICE	DELIVERY DATE	MAKE/MODEL		
BOZARD FORD	\$ 97,510.00	60 Days ARO	F150 4x4 Style-side Super-cab		
PROCTOR & PROCTOR INC.	\$ 97,930.00	60 Days ARO	GMC Sierra 1500		
GATOR FORD TRUCK	\$ 96,540.00	60-120 Days	F150		
MIKE DAVIDSON FORD	\$ 95,970.00	5-6 Weeks	F150 F-14 / X-14		
DON REID FORD	\$ 91,025.00	60-90 Days	F150	X 18 model	
JACK WILSON CHEVROLET	\$ 96,833.45	70 Days ARO	Silverado 1500		
MAROONE DODGE MIAMI	\$ 92,910.00	90-120 Days ARO	Dodge Ram DR6L41	↑	

Attachment "C"

TAKR CHECKS \$ 100,010.00
 90-120 DAY ARO Dodge Ram DR6L41 FLA SHERIFFS' BID
 BID AWARD DATE -

BID TITLE

PURCHASE OF FIVE (5) 2004 1/2 TON PICKUP TRUCK 4X4

BID NUMBER

BID NO. 04-15

OPENING DATE/TIME

November 12, 2003 3:00 P.M.

POSTING TIME/DATE

11/12/2003 4:00 PM 11/17/2003 4:00 PM

ST. JOHNS COUNTY BID TABULATION

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.

OPENED BY

LEIGH DANIELS

TABULATED BY

CHERYL ALBERTSON

VERIFIED BY

[Signature]

PAGE (S) 2

OF 2 PAGE (S)

BIDDERS	TOTAL PACKAGE BID PRICE	DELIVERY DATE	MAKE/MODEL			
CHAMPION CHEVROLET	\$ 98,145.00	60-70 Days ARO	Chevy K1500 Silverado			
TROPICAL FORD	\$ 97,535.55	90 Days ARO	F150			
ORVILLE BECKFORD FORD-MERCURY	\$ 93,350.00	45-60 Days	F150			
BECK AUTO SALES	\$ 99,820.00	60-90 Days	Dodge Ram 1500			

BID AWARD DATE - _____

**ST. JOHNS COUNTY
BID TABULATION**



BID TITLE PURCHASE OF ONE (1) MOTOR GRADER

GRADER

BID NUMBER BID NO. 04-14

OPENING DATE/TIME November 12, 2003 3:00 P.M.

FROM UNTIL

POSTING TIME/DATE 11/12/2003 4:00 PM 11/17/2003 4:00 PM

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.

OPENED BY

LEIGH DANIELS

CHERYL ALBERTSON

TABULATED BY
VERIFIED BY

PAGE (S) 1

OF 1 PAGE (S)

*Consent #9
12/16/03*

BIDDERS	TOTAL PACKAGE BID PRICE	DELIVERY DATE	MAKE/MODEL				
RING POWER CORPORATION	\$ 21,652.00 Credit	30-45 Days	12H				
INDUSTRIAL TRACTOR COMPANY, INC.	\$ 9,988.11 Credit	45-60 Days	Deere 670CH-II				
L. B. SMITH	\$ 26,238.00	2/12/2004	Volvo G710B				

Attachment "D"

BID AWARD DATE - _____

requirement be reduced to seven days and waive the fee for temporary use because this was through no fault of the applicant. (9:40 a.m.) **Motion by Maguire, seconded by Meiszer, carried 4/0 with Jacalone absent, to reduce the 15 day notice and sign posting requirements as required in Section 9.06.04.B, Section 9.06.04.C and Section 9.06.04.D of the Land Development Code to seven days for a temporary use and waive the \$200.00 filing fee.**

(12/16/03 - 4 - 9:41 a.m.)

1. CONSIDER MOTION TO GRANT FREE USE OF SPACE AT THE ST. JOHNS COUNTY CONVENTION CENTER TO ST. AUGUSTINE HIGH SCHOOL TO HOLD THE SUPERINTENDENT'S ALL COUNTY HONOR BANDS CONCERT ON WEDNESDAY, FEBRUARY 11, 2004 FROM 9:00 A.M. UNTIL 9:00 P.M.

Dena Masters, Office Manager, requested free use of the St. Johns County Convention Center by the St. Augustine High School to hold the Superintendent's All County Honors Band Concert on Wednesday, February 11, 2004. **Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone on vacation, to grant free use of space at the St. Johns County Convention Center to St. Augustine High School to hold the Superintendent's All County Honors Band Concert on Wednesday, February 11, 2004 from 9:00 a.m. until 9:00 p.m.**

(12/16/03 - 4 - 9:43 a.m.)

2. CONSIDER APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, Administrative Coordinator, mentioned that Eugene Watson's term would be up on January 2nd and that he had submitted a letter requesting to remain on the Industrial Development Authority. (9:44 a.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Jacalone on vacation, to reappoint Mr. Eugene Watson to the Industrial Development Authority for a full four-year term, scheduled to expire January 22, 2008.**

(12/16/03 - 4 - 9:44 a.m.)

3. CONSIDER APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Lundquist mentioned that Thomas Peckenham submitted a letter requesting to remain on the Code Enforcement Board. (9:45 a.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone on vacation, to reappoint Mt. Thomas Peckenham to the Code Enforcement Board for a full three-year term, scheduled to expire November 14, 2006.**

(12/16/03 - 4 - 9:45 a.m.)

4. CONSIDER APPOINTMENT TO THE MID-ANASTASIA ISLAND DESIGN REVIEW BOARD

Lundquist mentioned that Edward Underhill submitted a letter requesting to remain on the Mid-Anastasia Island Design Review Board. (9:45 a.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Jacalone on vacation, to reappoint Mr. Edward Underhill to the Mid-Anastasia Island Design Review Board for a full two-year term, scheduled to expire December 12, 2005.**

(12/16/03 - 4 - 9:46 a.m.)

5. CONSIDER APPOINTMENTS TO THE TOURIST DEVELOPMENT COUNCIL

Lundquist mentioned that she received several applications for appointment to the Tourist Development Council. (9:47 a.m.) **Motion by Meiszer, seconded by Bryant,**

carried 4/0 with Jacalone on vacation, to move the appointments that were recommended for the four year term beginning January 1, 2004 and ending January 01, 2008 and the individuals are: David Marriotti, Joe Finnegan, Richard O'Brien, Dana Ste.Clare.

(12/16/03 - 5 - 9:47 a.m.)

6. CONSIDER MOTION TO TRANSFER \$70,000 FROM THE GENERAL FUND RESERVE (0083-59920) TO THE RECREATION FACILITIES DEPARTMENT-IMPROVEMENTS OTHER THAN BUILDINGS (0080-56301) TO FUND THE DESIGN AND PERMITTING OF PONTE VEDRA LIBRARY PARK AND MOTION TO DIRECT THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH PONTE VEDRA PARK AT LIBRARY BOULEVARD, INC (PVPLB), WHEREIN PVPLB WILL FUND THE CONSTRUCTION AND MAINTENANCE OF PARK AMENITIES ADJACENT TO THE PONTE VEDRA BRANCH LIBRARY OVER AND ABOVE THOSE THAT MAY BE FOUND IN A TYPICAL COUNTY PARK

Shorty Robbins, Administrative Manager, Recreation and Parks, gave a short presentation on the Ponte Vedra Library Park. She stated that they are requesting \$70,000 for design, engineering and permitting. Meiszer stated that he had been supportive of this park for a long time, but \$70,000 seemed like a lot of money for a study. Robbins stated that the \$70,000 was a definite high-end figure. (10:00 a.m.) **Motion by Maguire, seconded by Meiszer, to transfer \$70,000 from the General Fund Reserve (0083-59920) to the Recreation Facilities Department Improvements Other Than Buildings (0080-56301) to fund the design and permitting of Ponte Vedra Library Park.**

(10:00 a.m.) Virginia Simpson, 37 Ramona Street, spoke in favor of the park.

(10:00 a.m.) Joan Van Vleck, 409 Ponte Vedra Blvd., spoke in favor of the park.

(10:01 a.m.) John Curington, 305 Pablo Road, spoke in favor of the park.

(10:03 a.m.) Mary Watson, 352 Ponte Vedra Blvd., spoke in favor of the park.

(10:04 a.m.) **The motion carried 4/0, with Jacalone on vacation.**

(12/16/03 - 5 - 10:04 a.m.)

7. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY TO MITIGATE WETLAND IMPACTS AS A RESULT OF THE CONSTRUCTION OF CAPITAL IMPROVEMENT TRANSPORTATION PROJECTS

Mary Ann Blount, Real Estate Manager, spoke on the owners agreeing to sell an approximate 49 acre parcel containing a six-acre flatwoods island in the San Sebastian River. (10:07 a.m.) Tony Cubbedge, St. Johns County Real Estate, spoke on salt marsh impacts and the potential of the island. Maguire stated that it was a super project, and the only thing he had a problem with was getting more credits on this project from the Water Management. Blount replied that everyone shared the frustrations with the mitigation. Maguire spoke on mitigation and the benefit of owning the property. (10:15 a.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone on vacation, to adopt Resolution No. 2003-249 approving the terms and authorizing the execution of the purchase and sale agreement for the acquisition of property to mitigate**

wetland impacts as a result of the construction of Capital Improvement Transportation Projects.

RESOLUTION NO. 2003-249

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY TO MITIGATE WETLAND IMPACTS AS A RESULT OF THE CONSTRUCTION OF CAPITAL IMPROVEMENT TRANSPORTATION PROJECTS

(12/16/03 - 6 - 10:16 a.m.)

8. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS OF THE AGREEMENT BETWEEN SEMBLER FLORIDA, INC. AND ST. JOHNS COUNTY FOR THE ACQUISITION OF PROPERTY AT THE INTERSECTION OF MICKLER ROAD AND CR 210 (PALM VALLEY ROAD) AND APPROVING THE EXECUTION OF THE AGREEMENT BY THE COUNTY ADMINISTRATOR

Joe Stephenson, Director of Public Works, gave background information on this item, utilizing visual display, Exhibit A. He spoke on the roundabout, reviewed the cost comparison chart and recommended the approval of this property and appropriation of capital dollars. Meiszer asked about getting the right-of-way from Guana. Stephenson responded. Meiszer asked about the timetable and about the three different figures listed in Exhibit A. Stephenson responded. Maguire spoke on four-laning CR210, and stated that he liked the idea of a roundabout. Stern asked about the drainage being adequate for everything. Stephenson replied yes, but added that one never really knows until the permits are in hand. Stern asked if this purchase would accommodate the future road footprint. Stephenson spoke on building a temporary road while the four-lane road was being built and spoke on the sidewalks. (10:39 a.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone on vacation, to adopt Resolution No. 2003-250 approving the terms of the Agreement between Sembler Florida, Inc. and St. Johns County and approving the execution of the Agreement by the County Administrator.**

RESOLUTION NO. 2003-250

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF AN AGREEMENT BETWEEN SEMBLER FLORIDA, INC. AND ST. JOHNS COUNTY FOR THE ACQUISITION OF PROPERTY FOR RIGHT-OF-WAY AT THE INTERSECTION OF MICKLER ROAD AND CR 210 (PALM VALLEY ROAD) AND APPROVING CERTAIN SHARED DRAINAGE AND CONSTRUCTION RESPONSIBILITIES FOR THIS TRANSPORTATION PROJECT

The meeting recessed at 10:39 a.m. and reconvened at 10:48 a.m.

(12/16/03 - 6 - 10:48 a.m.)

9. CONSIDER MOTION TO ADOPT A RESOLUTION OPPOSING THE ST. JOHNS RIVER ALLIANCE RESOLUTION ADOPTED NOVEMBER 12, 2003

REGARDING A NEW HIGH LEVEL BRIDGE TO REPLACE THE SHANDS BRIDGE, UNTIL MORE DETAILED STUDIES ARE CONDUCTED

Scott Clem, Director of Growth Management Services, spoke on the Florida Department of Transportation conducting a study of an enhanced river crossing on the St. Johns River. He recommended counter-acting the Resolution by the St. Johns River Alliance. Stern stated that she supported the Resolution to counter act. (10:55 a.m.) Vickie Renna, St. Johns County Planning Department, explained the purpose of the St. Johns River Alliance. Discussion followed on the St. Johns River Alliance, who the key members were, and it being a self appointed group. (10:12 a.m.) **Motion by Maguire, seconded by Bryant to adopt Resolution No. 2003-251 opposing the St. Johns River Alliance Resolution adopted November 12, 2003 regarding a new high level bridge to replace the Shands Bridge until more detailed studies were conducted.**

(11:12 a.m.) Louise Thrower, 288 Orange Avenue, asked who appointed this Alliance. Stern suggested having a brief discussion about the Alliance in the future. (11:16 a.m.) **The motion carried 4/0 with Jacalone on vacation.** Hunt left the meeting and Dan Bosanko, County Attorney, entered the meeting.

RESOLUTION NO. 2003-251

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, PROVIDING THAT ST. JOHNS COUNTY IS OPPOSED TO THE CONSTRUCTION OF A NEW HIGH LEVEL SHANDS BRIDGE BEFORE STUDIES ARE CONDUCTED TO EVALUATE DIFFERENT BRIDGE DESIGN ALTERNATIVES

10. CONSIDER UNDERWRITERS ALLOCATION FOR WATER AND SEWER REVENUE BOND ISSUE

This Item was pulled from the Agenda and rescheduled to January 6, 2004.

(12/16/03 - 7 - 11:16 a.m.)

11. CONSIDER SELECTION OF A PROVIDER AND APPROVAL OF A CONTRACT FOR LEGAL AID SERVICES

Bosanko read a statement on Legal Aid Services in St. Johns County, Exhibit A. He stated that there was no regular office for legal aid in St. Johns County. He spoke on the Jacksonville Legal Aid, Inc., (JALA) Proposal. Bryant asked about JALA. Bosanko responded. Bryant mentioned that he would like to see in the contract that JALA would not use any of the money in a lawsuit against St. Johns County. Maguire wanted a clarification on JALA not spending any of St. Johns County's money to sue the County, but they could, spend other people's money to sue the County. Bosanko responded that was still open and that if a client came in to see them and wanted to sue the County, they could as long as they didn't use the County's funding to fund it. Discussion followed on the chance of the County being sued.

(11:29 a.m.) Michael Figgins, Executive Director of JALA, reviewed what they were proposing; finding a site, reenergizing the St. Johns County Bar, the staff in Jacksonville taking cases, doing outreach, and providing legal services. Stern mentioned that the Commission would like for the contract to read: to refer out any cases against St. Johns County. Figgins stated that they would not use any of the filing fee funds against St. Johns County. He stated that he could agree to a restriction that they would not use

JALA resources to do any litigation against the County but they would have the option to use pro bono resources to look at the issue and hope to get it resolved without litigation. Bosanko asked if they would refer it out to pro bono attorneys and not handle it with JALA as the attorney of record. Figgins replied that he would like for Legal Aid to be able to talk to them and maybe resolve it and if it had to go to litigation, then send them to a private firm. Maguire asked if there was a dollar amount cap on the cases. Figgins responded. Bosanko spoke on the funding issue and asked what would happen after the filing fee funds run out.

(11:37 a.m.) Cheryl Strickland, spoke on the filing fees generating about \$77,000 that goes to Legal Aid. Meiszer asked if the County would still subsidize the Circuit Court. Strickland replied no, that it would be entirely through fees. Bryant spoke on St. Johns County being the only county in the state that provided mental health services. Bosanko stated that he needed answers to the financial-side, how it worked once the fees ran out. Figgins replied that his understanding was that the former contract was almost like a flat fee where they would certify that they had spent the money and they showed what kind of cases they did. He stated that they could stay with that or what they were proposing was, they go out at \$65 an hour so the County would get a regular report showing they spent so many hours and would actually see that they actually earned the money. He stated that it could be possible that they could earn the entire fund before the actual expiration of the filing fee at the end of June, and if that would happen, then they would have to probably curtail on services. He stated that they could draw back or slow down, so not as to run out of funds. *Bosanko advised the Board on this point, with a recommendation to authorize Adams, himself, and the Clerk of the Court to negotiate and enter into a contract with a flat fee for the first six months where they have the filing fees coming in and with an option to renew it for three months from the last quarter of this fiscal year. He stated that the next fiscal year, they would go through the normal budget process. He stated that if the Board was in agreement with those general terms, then he would ask if Mr. Figgins could work with that, then they would work out the details and get a contract before the first of the year.* (11:47 a.m.) **Motion by Maguire, seconded by Meiszer, carried 4/0 with Jacalone on vacation, as described by Bosanko [above] and to include the fact that they can't sue us under the terms we talked about, we can discuss but not sue.**

12. CONSIDER MOTION TO ADOPT A RESOLUTION AMENDING SECTION 4 OF RESOLUTION 92-119, APPLYING COUNTY RESIGN TO RUN REQUIREMENTS TO ALL APPOINTEES TO COUNTY BOARDS AND AUTHORITIES

This item was pulled from the Agenda and rescheduled to January 6, 2004.

(12/16/03 - 8 - 11:47 a.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report.

(11:47 a.m.)
Commissioner Maguire:

Maguire gave a brief update on the MPO.

He reported on the approval of the Technical Coordinating Committee (TCC) Membership.

He stated that the Florida Transportation Commission just appointed Heidi Evans, a St. Augustine resident, to be a member, approved by Governor Bush.

He announced that Gold and Associates received two awards of excellence for the Communications Awards 2003.

(11:49 a.m.)

Commissioner Stern:

No report.

(11:49 a.m.)

Commissioner Bryant:

Bryant mentioned the Guana Association Group and the projected TIP revenues to fund the infrastructure that needs to take place with the new Vilano Road.

(12/16/03 - 9 - 11:50 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams stated that they take the termite issue from this morning very seriously and will have a report and some direction on January 13th.

Maguire asked about getting a quarterly report from the Chamber of Commerce and asked if they had been scheduled for a Board Meeting yet. Adams stated that they had not, but he would check into it.

(12/16/03 - 9 - 11:51 a.m.)

COUNTY ATTORNEY'S REPORT

Bosanko reported Hopping, Green and Sams, representing the Heritage Park Community Development District, requested that Item 16 scheduled for this afternoon be continued because one of their key witnesses were not available. Bosanko stated if the Board decided to continue it, then he suggested the date of January 6, 2004 at 1:30 p.m. (11:52 a.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone on vacation, to continue Item 16, Heritage Park CDD to January 6, 2004 at 1:30 p.m. and that the parties involved be notified of the continuance so they don't come down this afternoon.**

(12/16/03 - 9 - 11:53 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:54 a.m. and reconvened at 1:33 p.m., with Stern, Maguire, Bryant, Meiszer, Adams, Dan Bosanko, County Attorney, and Robin Platt, Deputy Clerk, present.

(12/16/03 - 9 - 1:33 p.m.)

13. PUBLIC HEARING - PUD 2003-09, KENSINGTON PUD - THIS APPLICATION WAS ORIGINALLY HEARD BY THE BCC ON NOVEMBER 25, 2003, AND WAS DENIED. THE APPLICANT APPEARED BEFORE THE BCC ON DECEMBER 2, 2003, DURING PUBLIC COMMENT AND REQUESTED A REHEARING AND A WAIVER TO THE TIME LIMITS CONTAINED IN LDC SECTION 9.04.05. A MOTION TO ALLOW THE REHEARING AND WAIVER

WAS MADE AND APPROVED. THE REQUEST HAS BEEN MODIFIED TO REMOVE THE LOTS PROPOSED IN PARCEL B-2, AND SPECIFY THAT FUTURE RESIDENTIAL DEVELOPMENT IN THIS PARCEL IS SUBJECT TO A MAJOR MODIFICATION TO THE PUD AND THE ACCESS ISSUES BEING ADDRESSED. A REVISED MDP TEXT AND MAP HAVE BEEN SUBMITTED. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 306.85 ACRES, LOCATED AT 7920 US 1 NORTH, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR THE DEVELOPMENT OF 299 SINGLE-FAMILY RESIDENTIAL UNITS WITHIN PARCEL B-1 AND ASSOCIATED RECREATIONAL FACILITIES. THE ORIGINALLY PROPOSED 63 LOTS WITHIN PARCEL B-2 ARE SUBJECT TO A MAJOR MODIFICATION BEING APPROVED. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RESIDENTIAL-B FUTURE LAND USE DESIGNATION

Proof of publication for the Kensington PUD Public Hearing was received, having been published in *The St. Augustine Record* on December 1, 2003.

Nicole Cubbedge, Planner III, presented the details of this item and illustrated the changes to the PUD on the MDP map, Exhibit A. She also stated that all of the requested waivers had been removed from the application, and that no correspondence had been received related to this item.

(1:35 p.m.) John Metcalf, 245 Riverside Ave, Jacksonville, representing the applicant, stated that he had nothing to add to Cubbedge's comments.

(1:36 p.m.) Louise Thrower, 288 Orange Ave., asked for clarification on the appeal process for rezonings that had been denied.

(1:36 p.m.) Dan Bosanko, County Attorney, explained that a rehearing is allowed, per Florida case law, as long as the appeal period was not up. He stated further that the Board could decide to rehear a case, if they chose.

(1:37 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, spoke in opposition to the rezoning request.

(1:38 p.m.) Bryant asked if the applicant had met all aspects of the LDC, Cubbedge replied they had, with the removal of the waivers.

(1:39 p.m.) Meiszer mentioned that he was not in favor of rehearings, but he was convinced by Bosanko's comments that the applicant had a legal right to a rehearing. Bosanko clarified that the applicant had a right to request a rehearing, and the Board could grant it if they chose. Adams pointed out that a member of the prevailing side had to make the motion to allow a rehearing.

(1:40 p.m.) Motion by Bryant, seconded by Stern, carried 4/0 with Jacalone absent, to enact Ordinance 2003-105, known as PUD 2003-09, Kensington PUD, adopting Findings of Fact, to support the motion, 1 through 6.

ORDINANCE NO. 2003-105

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

SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(12/16/03 - 11 - 1:41 p.m.)

14. PUBLIC HEARING - FEC RAILROAD PROPERTY - THE FEC REZONING WAS APPROVED ON SEPTEMBER 9, 2003. SHORTLY AFTERWARD, IT WAS DISCOVERED THAT AN INCORRECT LEGAL DESCRIPTION WAS ADOPTED WITH THE REZONING ORDINANCE. THIS HEARING IS TO RESCIND ORDINANCE NO. 2003-75, AS ADOPTED ON SEPTEMBER 9, 2003, AND ADOPT AN ORDINANCE WITH THE CORRECT LEGAL DESCRIPTION. THE SUBJECT PROPERTY IS LOCATED AT 4305 AVENUE D, AND WAS REZONED FROM INDUSTRIAL WAREHOUSING (IW) TO OPEN RURAL (OR)

Proof of publication for the Florida East Coast Railway Public Hearing was received, having been published in *The St. Augustine Record* on November 26, 2003.

Teresa Bishop, Planning Director, explained that the rezoning had been previously approved with the incorrect legal description. Today's action, of rescinding Ordinance Number 2003-75, would correct that error.

(1:42 p.m.) **Motion by Maguire, seconded by Meiszer, carried 4/0 with Jacalone absent, to enact Ordinance 2003-106, known as REZ 2003-09, Florida East Coast Railway Property, rescinding Ordinance 2003-75, adopting Findings of Fact to support the motion.**

ORDINANCE NO. 2003-106

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL WAREHOUSE (IW) TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(12/16/03 - 11 - 1:43 p.m.)

15. PUBLIC HEARING - REZ 2003-18, SEAMONT VENTURES REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 8.45 ACRES, LOCATED AT 550 HOLMES BOULEVARD, FROM OPEN RURAL (OR) AND PLANNED SPECIAL DEVELOPMENT (PSD) TO HEAVY INDUSTRIAL (HI) FOR AN EXISTING INDUSTRIAL USE. THE PARCEL HAS BEEN USED FOR OVER TEN (10) YEARS AS A COQUINA SHELL PROCESSING PLANT. THE APPLICANT RECENTLY GAVE A 100-FOOT STRIP OF LAND ON THE SOUTH SIDE OF THE PARCEL TO THE ADJACENT PROPERTY OWNER IN ORDER TO PROVIDE ACCESS TO THE LANDOWNER FROM HOLMES BOULEVARD. THE ADJACENT PROPERTY OWNER IN TURN GAVE THE APPLICANT ONE (1) ACRE WHICH IS INCLUDED IN THIS REZONING. THE PSD ZONING IS NO LONGER AN ALLOWED ZONING CATEGORY AND THE REZONING WILL BRING THE ENTIRE PARCEL INTO CONFORMANCE WITH THE PROPER ZONING OF HI, AS WELL AS REZONE THE ADJACENT ONE (1) ACRE PARCEL RECENTLY ADDED AS PART OF THE LAND SWAP WITH THE APPLICANT'S NEIGHBOR. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MEETING HELD NOVEMBER 6, 2003

Proof of publication for the Seamont Ventures Public Hearing was received, having been published in *The St. Augustine Record* on December 2, 2003.

Bruce Ford, Chief Planner, presented the details of this item, stating that Staff had no objections to the request and that no correspondence relating to this property had been received. Maguire questioned how much coquina was mined from this property.

(1:46 p.m.) John Nock, 950 SR 206 E., explained that they do not mine coquina at this location; they process coquina that is brought in from other sites.

(1:46 p.m.) Motion by Bryant, seconded by Stern, carried 4/0 with Jacalone absent, to enact Ordinance 2003-107, known as REZ 2003-18, Seamont Ventures, adopting Findings of Fact to support the motion, 1 through 4.

ORDINANCE NO. 2003-107

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) AND PLANNED SPECIAL DEVELOPMENT (PSD) TO HEAVY INDUSTRIAL (HI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

16. PUBLIC HEARING - HERITAGE PARK CDD - THE HERITAGE PARK COMMUNITY DEVELOPMENT DISTRICT (CDD) IS PROPOSED FOR THE HERITAGE PARKE PUD WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON JANUARY 18, 2000, PURSUANT TO ORDINANCE 2000-04. THE CDD COVERS APPROXIMATELY 392 ACRES OF LAND LOCATED WEST OF LEWIS SPEEDWAY ON THE SOUTH SIDE OF WOODLAWN ROAD AND NORTH OF S.R. 16 WEST OF ST. AUGUSTINE. THE CDD BOUNDARY IS COTERMINOUS WITH THE PUD BOUNDARY. THIS RESIDENTIAL PROJECT HAS BEEN APPROVED AND PLANNED FOR UP TO 774 RESIDENTIAL UNITS OF WHICH UP TO 363 UNITS MAY BE MULTI-FAMILY AND 410 UNITS MAY BE SINGLE-FAMILY. IN ADDITION, THERE WILL BE RECREATIONAL AMENITIES AND A CLUBHOUSE. THE PETITION PROPOSES THAT THE CDD PROVIDE THE FOLLOWING INFRASTRUCTURE IMPROVEMENTS WITHIN THE DISTRICT: INTERNAL ROADWAYS WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY ST. JOHNS COUNTY; WATER AND SEWER FACILITIES WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY THE CITY OF ST. AUGUSTINE; RECREATIONAL FACILITIES WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; STORMWATER MANAGEMENT FACILITIES WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; LANDSCAPING AND IRRIGATION WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; AND WETLAND AND WILDLIFE MITIGATION IMPROVEMENTS WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD

This item was continued to January 6, 2003, at 1:30 p.m.

(1:47 p.m.) **Motion by Bryant, seconded by Maguire, to adjourn.** Stern announced that the Heritage Park CDD item had been continued to January 6, 2003. **The motion carried 4/0, with Jacalone absent.**

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 343769 through 344127, totaling \$1,103,732.83 (12/09/03)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 344128 through 344150, totaling \$45,846.46 (12/11/03)

CORRESPONDENCE:

1. Letter dated December 9, 2003, to Laura Cooper, Clerk, St. Johns County School Board, regarding an Interlocal Agreement.
2. Resolution 03-16, adopted by the Town Council of the Town of Hastings, Florida, on December 8, 2003, opposing the transfer of Floridian Aquifer water.

Approved January 6, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk