

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 8, 2004
(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
 Marc Jacalone, District 3
 James E. Bryant, District 5
 Ben W. Adams, Jr., County Administrator
 Dan Bosanko County Attorney
 Diane Gorski, Deputy Clerk

(06/08/04 - 1 - 9:06 a.m.)

Chair Stern called the meeting to order.

(06/08/04 - 1 - 9:07 a.m.)

Meiszer gave the Invocation and Bryant led the Pledge of Allegiance.

(06/08/04 - 1 - 9:07 a.m.)

ROLL CALL

All five Commissioners were present.

(06/08/04 - 1 - 9:08 a.m.)

PROCLAMATION DESIGNATING JUNE 7-11, 2004 AS CODE ENFORCEMENT OFFICERS APPRECIATION WEEK

Maguire introduced the County Code Enforcement Staff. He read the Proclamation and then presented it to the County Code Enforcement Staff. James Acosta, Code Enforcement Manager, thanked his Staff for their hard work.

(06/08/04 - 1 - 9:13 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Bryant, seconded by Maguire, carried 5/0, to accept the Proclamation designating June 7-11, 2004, as Code Enforcement Officers Week.

(06/08/04 - 1 - 9:13 a.m.)

PUBLIC COMMENT

There were no public comments.

(06/08/04 - 1 - 9:13 a.m.)

DELETIONS TO CONSENT AGENDA

Dan Bosanko, County Attorney, moved Consent Agenda Item 9 to Regular Agenda Item 8A.

(06/08/04 - 1 - 9:14 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Sheriff's Bonds:

Approve:

Sitton, Peggy T.

Dale, Christopher J.

Houle, Frank P.

Estanope, Bernard S.

Norman, Katie M.

Reece, Brenda H.

Cancel:

Blyler, Joshua E.

Lewis, William J.

Sommerer, George

Corbin, Connally.

Crawford, Paulette

Schrader, William

Name Change:

Yelle, Linda L.

to

Budai, Linda L.

3. Motion to award a non-exclusive franchise for Construction and Demolition Debris to the sixteen (16) vendors

4. Motion to award a non-exclusive franchise for Commercial/Industrial Solid Waste to the six (6) vendors

5. Motion to authorize consent to dispose of public records for the Building Services Division, which have been retained for the allotted time set as required by the State of Florida, Florida Administrative Code, Chapter 1B-24

6. Motion to approve the transfer of \$28,139 from Court Facilities Trust Fund Reserve (1301-59920), to 1301-56401 Office Equipment of \$3,038 and to 1301-55200 Operating Supplies of \$25,101, to purchase jury box seating, a conference room table for the jury deliberation room, seating for the jury deliberation room, seating for witnesses, counsel table seating, clerk seating, a Judge's chair, and a lectern

7. Motion to adopt **Resolution No. 2004-117**, approving a Final Plat for Whisper Ridge Unit Four

RESOLUTION NO. 2004 - 117

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR WHISPER RIDGE UNIT FOUR

8. Motion to adopt **Resolution No. 2004-118**, approving a Final Plat for Promenade Pointe II

RESOLUTION NO. 2004 -118

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR PROMENADE POINTE II

9. Motion to adopt a Resolution approving a Final Plat for Sunshine Acres

Consent Item No. 9 was moved to Regular Agenda as Item No. 8A.

10. Motion to adopt **Resolution No. 2004-119**, approving a Final Plat for St. Johns Golf & Country Club Unit Four, Phase Five

RESOLUTION NO. 2004-119

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR ST. JOHNS GOLF & COUNTRY CLUB UNIT FOUR, PHASE FIVE

11. Motion to adopt **Resolution No. 2004-120**, accepting a Temporary Construction Easement and a Permanent Access/Maintenance Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, to install a water line for domestic/fire protection water service to the St. Augustine Amphitheater, and authorizing the County Administrator to execute said easements

RESOLUTION NO. 2004-120

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT ACCESS/MAINTENANCE EASEMENT FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA TO INSTALL A WATER LINE FOR THE DOMESTIC/FIRE PROTECTION WATER SERVICE TO THE ST. AUGUSTINE AMPHITHEATER AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID EASEMENTS

12. Motion to adopt **Resolution No. 2004-121**, accepting a Terminable Nonexclusive Drainage Easement and Nonexclusive Terminable Easement for access to an offsite cul-de-sac from MHK of Volusia County, Inc., to St. Johns County for drainage purposes and access

RESOLUTION NO. 2004-121

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING A TERMINABLE NONEXCLUSIVE DRAINAGE EASEMENT AND NONEXCLUSIVE TERMINABLE EASEMENT FOR ACCESS TO OFFSITE CUL-DE-SAC FROM MHK OF VOLUSIA COUNTY, INC. TO ST. JOHNS COUNTY FOR DRAINAGE PURPOSES AND ACCESS

13. Motion to adopt **Resolution No. 2004-122**, authorizing the execution of a Termination of an Easement located on Roscoe Boulevard, and accepting a Grant of Easement for installation of an outfall pipe from Roscoe Boulevard to the Intracoastal Waterway

RESOLUTION NO. 2004-122

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A TERMINATION OF AN EASEMENT LOCATED ON ROSCOE BOULEVARD AND ACCEPTING A GRANT OF EASEMENT FOR

**INSTALLATION OF AN OUTFALL PIPE FROM ROSCOE
BOULEVARD TO THE INTRACOASTAL WATERWAY**

14. Proofs:
- a. Proof, Notice to Bidders, Bid No. 04-84
 - b. Proof, Notice of Meeting, Intergovernmental Committee, first Wednesday of each month at 3:00pm.
 - c. Proof, Notice of Canceled Meeting, St. Johns County Water & Sewer Authority, Wednesday, June 2, 2004 at 9:00am.
 - d. Proof, Certificate of Liability Insurance, Cornerstone Team, Inc., et al

(06/08/04 - 4 - 9:14 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern moved to continue Item 6, to be readvertised and heard at a later date and added a special permit request as Item 5A.

(06/08/04 - 4 - 9:15 a.m.)

APPROVAL OF REGULAR AGENDA

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

(06/08/04 - 4 - 9:16 a.m.)

1. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH THE STATE OF FLORIDA TO RECEIVE FUNDS FOR THE RULON ROAD FUND PROJECT #04-00130, AND CONSIDER ADOPTING A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO NEGOTIATE A CONTRACT FOR CONSTRUCTION OF THE ROAD, UTILIZING THE EMERGENCY PURCHASE REQUEST PROCEDURES

Karen Johnson, Intergovernmental Relations Specialist, reviewed the request. She explained that the contract would be entered into with an appropriate state certified contractor, under the emergency purchasing procedures. (9:18 a.m.) Jacalone asked for clarification on the bidding process. Johnson answered that the County would still go through the bidding process, with the exception of not advertising the bid. Jacalone asked if this request would allow the County to do something other than putting it out for a competitive bid. Joe Burch, Purchasing Manager, explained that the County would obtain competitive bids whenever possible. He stated that he would need to speak with the developer to determine the timetable. He mentioned that the time restraint could result in shortening or eliminating, the advertising, resulting in telephoning contractors who are known to the County and in the road building process to participate in the bidding process. Jacalone clarified that this request allowed the County to contact one road contractor and stated that he was opposed to this procedure. He requested that at least three contractors be contacted and given the opportunity to bid on this contract. Burch concurred. (9:20 a.m.) Meiszer asked for the origin of the deadline. Johnson explained that this coincided with the start of construction on their facility, set for July 1, 2004, with a completion date of July 1, 2005. She explained that the developer had access to the site via a dirt road and that the Florida Department of Transportation had given an estimated two hundred days for completion of the road. She clarified that Rulon wanted to complete construction of the facility in conjunction with completion of the road construction. Discussion ensued. (9:23 a.m.) Ted Zebrowsky, Director of Intergovernmental Relations, stated that the Board had passed the incentive process and had promised the Rulon Company help in expediting the project wherever possible. (9:24 a.m.) Jacalone asserted that the bids needed to be obtained fairly. (9:25 a.m.) Bryant mentioned that this company would offer employment opportunities for the residents in St. Johns County and that the Board should assist in the process. Stern concurred. She applauded the efforts of Staff and the Economic Development Council in bringing in businesses that offer employment opportunities. She

stated that the County would need to continue to offer competitive bidding opportunities. Burch stated that the competitive bid process would be accomplished within thirty days. (9:27 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, for approval of Resolution 2004-123, to authorize the County Administrator to execute a contract with the State of Florida to receive funds for the Rulon Road Fund project #04-00130, and authorizing the County Administrator to negotiate a contract for construction of the road, utilizing the emergency purchase request procedures.**

RESOLUTION NO. 2004-123

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING FINDINGS OF FACT ALLOWING FOR AN EMERGENCY EXCEPTION TO THE COUNTY'S PURCHASING POLICY AND PROCEDURE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF A ROAD UTILIZING THE EMERGENCY EXCEPTION TO THE PURCHASING POLICY AND PROCEDURE

(06/08/04 - 5 - 9:28 a.m.)

2. **CONSIDER PROPOSED CHANGES TO THE MAKE-UP AND NUMBER OF MEMBERS ON THE HISTORIC RESOURCE REVIEW BOARD**

Donna Godfrey, AICP, Senior Planner, explained the request and mentioned that other counties had seven to ten regular members on their Historic Resource Review Boards. Godfrey requested increasing the number of regular members from five regular and two alternate members, to ten regular members and eliminating the two alternate positions. (9:30 a.m.) Maguire expressed his support. He explained that the County would benefit from a fully staffed, and dedicated review board. Discussion ensued. (9:44 a.m.) Maguire requested that staff provide additional information on the makeup of the Historic Resource Review Board, including the policies, and directions and limitations to the Commission for review and consideration within two weeks. (9:45 a.m.) Bosanko explained that any changes to the current status would need to be implemented through an ordinance, and would have to be brought back to the Board. (9:46 a.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to advertise the proposed ordinance for change in membership to the Historic Resource Review Board to seven members, with no alternates.**

(9:47 a.m.) Stern stated for the record, a correction to the Resolution Number erroneously given as 2004-40 to Item 1, as Resolution No. 2004-123.

(06/08/04 - 5 - 9:48 a.m.)

3. **CONSIDER A MOTION TO ADOPT A RESOLUTION STATING THE BOARD'S INTENT NOT TO TAKE ANY ACTION TO CONDEMN AND/OR WIDEN CERTAIN NOW EXISTING EASEMENTS RUNNING FROM SOLANO ROAD IN ST. JOHNS COUNTY, NORTHWARD TO THE DUVAL COUNTY LINE**

Bruce Maguire, County Commissioner, explained that years ago a South Corridor Study had been performed to determine whether or not a power line easement should be expanded into a road section as an offset to traffic problems on SR A1A. He stated that the County Commissioners in office at that time had voted to request the FDOT remove the section in St. Johns County and they had. He mentioned that due to current events the residents in this area feared that this section would be readdressed as a possibility to a back entrance to the future high school to be located behind Talbot's. He explained that residents had asked for a reaffirmation from the Board that they would not condemn the properties. He said that an estimated fifty-eight homes would be affected if easements were widened, causing condemnation of the homes. Maguire asked for Board support and discussion ensued. (9:54 a.m.) Bosanko stated that Exhibit A needed to be included in the

Resolution. He explained that the passing of a Resolution would signify the intent of this Board, but that a future Board could change this intent. He mentioned that eminent domain was a necessary exercise in a county that was growing at such a rapid pace. He emphasized that eminent domain had not be used in eleven years, but that it would be an inevitable action to complete future projects.

(9:57 a.m.) Laurie Covell, 213 Vista Grande Drive, explained that the State had mentioned that fifty to seventy homes had the potential to be taken by eminent domain if the road were ever to be widened. She opposed the road widening and was opposed to the Talbot's site location for the new high school. She requested Board affirmation to not take any action to condemn and/or widen the existing easements.

(10:02 a.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2004- 124, stating the Board's intent not to take any action to condemn and/or widen certain now existing easements, running from Solano Road in St. Johns County, northward to the Duval County line.**

RESOLUTION NO. 2004-124

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY STATING ITS INTENT NOT TO TAKE ANY ACTION TO CONDEMN AND/OR WIDEN CERTAIN NOW EXISTING EASEMENTS RUNNING FROM SOLANO ROAD IN ST. JOHNS COUNTY NORTHWARD TO THE DUVAL COUNTY LINE

The meeting recessed at 10:04 a.m. and reconvened at 10:15 a.m.

(06/08/04 - 6 - 10:15 a.m.)

4. PRESENTATION ON THE UPDATE OF THE FIRST COAST MPO'S LONG RANGE TRANSPORTATION PLAN

Rob Schiffer, First Coast MPO Long Range Transportation Plan Project Leader, Cambridge Systematics gave a PowerPoint presentation (Exhibit A). He explained that the Long-range Transportation Plan was being updated through 2030. He stated that all MPO areas were required to update their long-range plans periodically and that any project implemented using Federal funds had to be in a long-range transportation plan. He mentioned that there had been a series of informational public workshops held throughout the community. He explained that these workshops gave the community an opportunity to rank goals and identify some key transportation issues within the region. He explained that the Needs Plan Development Process identified which roadways and transit and other improvements, would be needed in the year 2030. He explained that the needs had been identified and that the next phase would be to determine which improvements could be afforded. He announced that he would bring the Cost Feasible Plan to the Board in the future. (10:25 a.m.) Stern thanked Schiffer for the presentation and stated that the Board looked forward to future updates. Stern stated that a public workshop would be held this evening at Switzerland Point Middle School, from 6:00 p.m. to 8:00 p.m. and encouraged the public to attend.

(06/08/04 - 6 - 10:26 a.m.)

5. CONSIDER DIRECTION TO THE COUNTY ATTORNEY'S OFFICE ON WHETHER TO PURSUE AN APPEAL OF A RECENT COURT ORDER REGARDING THE SETTLEMENT AGREEMENT IN THE ESTUARIES LITIGATION

Daniel Bosanko, County Attorney, summarized the Estuaries litigation. He explained that the litigation had cost St. Johns County over \$100,000 in damages and settlement fees to date. He stated that the settlement agreement had approved fifty-six units and that the developer had been informed of an additional requirement of going through the Planned

Unit Development (PUD) process. The developer felt they were not required to go through the PUD process and returned to Judge Traynor for an interpretation of the law. Bosanko explained that Staff had argued that the PUD requirement should be enforced and that Judge Traynor had waived the PUD requirement. Bosanko asked the Board to decide whether or not to appeal the judgement. (10:32 a.m.) Bryant asked Bosanko what affect not having the PUD would have. Bosanko answered that a PUD was a specialized use plan and that without it the developer would still have to meet the Land Development Code standards. (10:35 a.m.) Jacalone mentioned that the Board had already negotiated the number of units and that the PUD process was not essential, as the developer had to meet the Land Development Code standards. Jacalone stated that he saw no purpose in future litigation. (10:36 a.m.) Meiszer asked what grounds an appeal would be based upon. Bosanko explained that there were several strong arguments, based on technicalities that could be made to a higher court. He mentioned that the developer had misread the settlement agreement and that it would be a matter of interpretation whether the settlement agreement excluded the PUD requirement. Meiszer asked if monies spent would be recovered and Bosanko answered that they would not. Discussion ensued. (10:40 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to accept the Judge's order as the final word on this matter, and litigate this matter no further.**

(06/08/04 - 7 - 10:43 a.m.)

6A. MOTION TO GRANT A CONDITIONAL PERMIT FOR HELICOPTER TAKE-OFF/LANDING ON UNOPENED RIGHT-OF-WAY NORTH OF ELEVENTH STREET IN NORTH BEACH

Mary Ann Blount, Real Estate Manager, explained the request from Old City Helicopters for a conditional permit to give helicopter rides for a party given by Dr. Ron Dixon for his employees on June 13, 2004. She stated that this permit would only be in effect for one day and that Old City Helicopters would furnish a certificate of General Liability Insurance Coverage, naming the County as an additional insured, with coverage in the amount of one million dollars, and would provide evidence of this. She mentioned that they had executed the Conditional Permit included in the package, and a Hold Harmless statement that released the County from any liability, and that Michael Hunt, Deputy County Attorney, had drafted it. Discussion regarding times of operation ensued with the owner of Old City Helicopters, Andres Kerllenevich addressing the board and agreeing to the hours being limited to 1:00 pm. to 6:00 p.m. (10:48 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to grant a conditional permit for helicopter take-off/landing on unopened right-of-way north of Eleventh Street in North Beach, between the hours of 1:00 p.m. to 6:00 p.m. on June 13, 2004.**

(06/08/04 - 7 - 10:49 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer

No report.

Commissioner Maguire

Maguire mentioned that a public meeting had taken place last Friday to discuss the St. John Service Company issue and that it had been a very positive discussion and presentation.

Maguire stated that a national cemetery site discussion had taken place at the local V.F.W. post last week and that Dan Hughes, Wiley Deck and Colonel Taylor were present. He explained that the V.F.W., and the supporting community, were in support of the S.R. 207 site located directly across from Pedro Menendez High School. He mentioned that he and Colonel Taylor would be putting together a format packet to present to the representatives from Washington D.C. involved in determining the future location for the national cemetery. Maguire stated that the Northeast Regional Planning Council had approved an endorsement resolution; similar to St. Johns County's and that it would be presented to the Site Selection Committee Representatives during their visit next month.

(10:51 a.m.)

Commissioner Stern

Stern asked Hunt to look into establishing a procedure for handling unusual requests, like the request to grant a helicopter take-off/landing in unopened right-of-way, as heard today. She mentioned having a procedure in place to handle the unusual requests the Super Bowl would most certainly stimulate. (10:52 a.m.) Hunt mentioned that more requests would be made to the Commission as the Super Bowl game date neared. He suggested drafting some rules, policies or regulations to handle these requests. Stern concurred and discussion ensued. (10:55 a.m.) Meiszer suggested that citizens deal with the County Administrator with these types of requests, which would make it the County Administrator's responsibility to inform all of the Commissioners. He suggested adding the statement "A failure to plan on the applicant's part does not constitute an emergency on the Commission's part" to future policy. He explained that genuine emergencies would be handled as such. He also stated that adding last minute agenda items should be a rare occurrence. (10:57 a.m.) Stern mentioned that the National Football League (NFL) had listed "B" as business opportunities for Super Bowl XXXIX, and that the benefits would stay within the community. She stated that the Jacksonville Super Bowl Host Committee and the Jacksonville Electric Authority (JEA), in conjunction with the NFL, created small and emerging businesses and that this program provided opportunities for small, minority and women owned businesses and that they may apply online at <http://www.jacksonvillesuperbowl.com>.

Stern expressed her gratitude with Commissioner Meiszer's invocation and remembrance of former President Ronald Reagan and his passing, and announced that Friday had been designated as a National Day of Mourning.

Stern mentioned attending a charity golf tournament hosted by American Legion Post 194, with a few members of Staff and the Board. She announced that funds had been raised to defray costs to after school programs for "at risk kids" and children in Afghanistan.

Commissioner Jacalone

No report.

(11:01 a.m.)

Commissioner Bryant

Bryant introduced Barbara Jenness, broker for Realty Executives and member of the Vilano Visioning Committee, who had a parcel on Coastal Highway available for purchase for a proposed beach parking lot in the Vilano Beach area.

(11:02 a.m.) Barbara Jenness, 1300 Coastal Highway, explained that an oceanfront, .7-acre parcel, located at the entrance to the Vilano Beach Town Center at 2842 Coastal Highway was available for possible purchase by the County. She mentioned that this parcel could provide beach parking near the Vilano Town Center.

(11:05 a.m.) Bryant reminded everyone that beach parking would be needed in the near future, and suggested that the County pursue land acquisition when possible, so that the County would be able to provide public parking to beachgoers. (11:06 a.m.) Ben Adams, County Administrator, announced that this item would be brought before the Board on June 15, 2004.

(06/08/04 - 8 - 11:06 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Ben Adams announced that the flag was being flown at half-staff in memory of former President Ronald Reagan, through Friday, and that County and State Offices would remain open on Friday, June 8, 2004.

(06/08/04 - 9 - 11:06 a.m.)
COUNTY ATTORNEY'S REPORT

Bosanko reviewed the proposed changes in Commission meeting dates. He mentioned that the Board had decided not to hold a meeting on July 6, 2004, and that would leave Staff with a period of almost four weeks with bills not being paid. He explained that this delay could cause late penalties to accrue. Bosanko stated that the Board could not delegate approval to the County Administrator because there was an Attorney General's opinion that a non-charter county could not assign this task, but that the Board could approve payments on every contract payment, if created through the purchase order process. Bosanko mentioned overhauling the system and mentioned that Allen MacDonald, Finance Director suggested approving contracts to include the payments. (11:12 a.m.) MacDonald explained that the Finance Department had to have Board approval to cut checks. He mentioned Board approval of purchase order packets would allow Finance to issue checks. (11:14 a.m.) Stern clarified that a special meeting would be necessary to approve the check register because of the two-week period that no meetings were scheduled. Jacalone asked Bosanko why, if three-quarters of the counties in the State of Florida met only twice month, St. Johns County could not do the same and directed Bosanko to contact other counties and devise a better way to handle payments in St. Johns County. Bosanko said that he would investigate the procedures in place in other counties and explained that he would work with MacDonald and Hunt to change the way payment must be made. MacDonald suggested choosing June 29th or 30th or July 1st or 2nd for a special meeting to approve the check run. Discussion ensued with board members opposing scheduling a special meeting date. (11:22 a.m.) Jacalone left the meeting. Bosanko stated that he would work with MacDonald to come up with a solution for the July check-run approval and report back to the Board. He asked if the Board was planning to take two weeks off in August. He explained that he would work with Adams to change the Board meeting schedule to three monthly meetings in lieu of four, beginning in September and would have a proposal for the Board soon. (11:27 a.m.) Stern said that a two-week hiatus would not be necessary in August and Meiszer concurred.

(06/08/04 - 9 - 11:28 a.m.)
CLERK OF COURT'S REPORT

No report.

The meeting adjourned at 11:28 a.m., and reconvened at 1:39 p.m. with Maguire, Jacalone, Meiszer, Adams, Bosanko, and Robin Platt, Deputy Clerk, present. Stern and Bryant were not in attendance.

6. PUBLIC HEARING - ZVAR 2004-12, FOURTH STREET/VILANO - THIS REQUEST IS A ZONING VARIANCE TO SECTION 6.07.01 OF THE LAND DEVELOPMENT CODE, WHICH REGULATES HOW HEIGHT IS MEASURED. THE REQUEST IS TO MEASURE 35 FEET ABOVE THE MINIMUM FINISHED FLOOR ELEVATION, WHICH IS 10 FEET ABOVE SEA LEVEL, INSTEAD OF MEASURING FROM THE LOWEST POINT OF THE ESTABLISHED GRADE SURROUNDING THE PERIMETER OF THE STRUCTURE. THE SUBJECT PROPERTY CONSISTS OF SIX LOTS, WEST OF FOURTH STREET IN VILANO BEACH, BETWEEN MEADOW AVENUE AND SURFSIDE AVENUE. THE ZONING VARIANCE IS FILED PURSUANT TO SECTION 10.04.02 OF THE LAND DEVELOPMENT CODE

This item was pulled from the Agenda.

(06/08/04 - 10 - 1:40 p.m.)

7. PUBLIC HEARING - CONSIDER AMENDMENTS TO ARTICLE VI AND ARTICLE XII OF THE LAND DEVELOPMENT CODE - THIS IS A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE, ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS AND ARTICLE XII - DEFINITIONS. THE AMENDMENTS ARE PROPOSED TO ADDRESS THE QUALIFICATIONS AND REGISTRATION REQUIREMENTS OF PROFESSIONALS SUBMITTING CONSTRUCTION PLANS FOR APPROVAL BY ST. JOHNS COUNTY. SPECIFICALLY, A DEFINITION OF REGISTERED PROFESSIONAL IS ADDED, THAT INCLUDES PROFESSIONALS REGISTERED IN THE STATE OF FLORIDA, QUALIFIED IN THE APPROPRIATE FIELD WHO ARE AUTHORIZED TO SUBMIT SIGNED AND SEALED CONSTRUCTION PLANS, AND ARE RESPONSIBLE FOR ENSURING THAT THE SITE IMPROVEMENTS ARE CONSTRUCTED ACCORDING TO THE APPROVED CONSTRUCTION PLANS

Proof of publication of the Notice of Public Hearing was received, having been published in *The St. Augustine Record* on May 27, 2004.

Scott Clem, Director of Growth Management Services, explained the details related to the changes in the language of the Land Development Code, relating to the definition of "registered professional," to make it consistent with the Florida Statutes. (1:41 p.m.) Deborah Ousley, Esquire, PO Box 1417, Winter Park, representing Hilton Meadows, agreed with the proposed language changes. **Motion by Jacalone, seconded by Meiszer, carried 3/0 with Stern and Bryant absent, to enact Ordinance No. 2004-40.**

ORDINANCE NO. 2004-40

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING, ADDING AND REPEALING SECTIONS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, AS ADOPTED BY ORDINANCE NO. 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE I GENERAL PROVISIONS, SPECIFICALLY REVISING SECTION 1.03.04, RULES OF CONSTRUCTION PERTAINING TO ABBREVIATIONS USED TO REVISE THE ABBREVIATIONS AND ADD PARAGRAPH NUMBERS; AMENDING ARTICLE VI DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, SPECIFICALLY REVISING SECTION 6.04.01 DATA SUBMITTALS; REVISING SECTION 6.04.02 PERMITS; REVISING SECTION 6.04.03 NOTIFICATION AND INSPECTIONS; REVISING SECTION 6.04.06 STORMWATER MANAGEMENT; AMENDING ARTICLE XII, SPECIFICALLY REVISING PART 12.01.00 DEFINITIONS PERTAINING TO REVISING CONSTRUCTION PLANS, ADDING REGISTERED PROFESSIONAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting proceeded to Item 8A.

(06/08/04 - 10 - 1:44 p.m.)

8. PUBLIC HEARING - ORDINANCE AMENDING PORTIONS OF THE COUNTY'S LAND DEVELOPMENT CODE THAT PERTAIN TO SIGNS - ON DECEMBER 4, 2002, THE UNITED STATES DISTRICT COURT (JACKSONVILLE) ENTERED A JUDGMENT THAT DECLARED THREE SECTIONS IN ARTICLE VII OF THE COUNTY'S 1999 LAND DEVELOPMENT CODE UNCONSTITUTIONAL. THE

COUNTY'S 1999 LAND DEVELOPMENT CODE WAS CREATED BY COUNTY ORDINANCE 99-51. ARTICLE VII WAS THE PORTION OF THE 1999 LAND DEVELOPMENT CODE THAT REGULATED SIGNS. THE DISTRICT COURT'S JUDGMENT DETERMINED THAT THREE SECTIONS (7.00.01, 7.00.08 AND 7.03.01) WERE UNCONSTITUTIONAL, BECAUSE THEY PLACED TIGHTER SIGN RESTRICTIONS ON POLITICAL MESSAGE SIGNS THAN ON COMMERCIAL SIGNS. THE JUDGMENT THEN ENJOINED THE COUNTY FROM ENFORCING THE ENTIRE ARTICLE VII. ON OCTOBER 15, 2002, PRIOR TO THE COURT'S JUDGMENT, THE COUNTY ENACTED ORDINANCE 2002-61, WHICH DELETED THE 1999 ARTICLE VII IN ITS ENTIRETY FROM THE LAND DEVELOPMENT CODE AND SUBSTITUTED A NEW ARTICLE VII THAT REGULATED SIGNS IN ITS PLACE (THE "2002" ARTICLE VII). THE DISTRICT COURT'S DECEMBER 4, 2002, JUDGMENT DID NOT DIRECTLY ADDRESS THE NEW ARTICLE VII THAT WAS CREATED BY ORDINANCE 2002-61. THE COUNTY TOOK TWO MAJOR STEPS IN RESPONSE TO THE DISTRICT COURT'S DECEMBER 4, 2002, JUDGMENT. IT APPEALED THE DISTRICT COURT'S JUDGMENT TO THE ELEVENTH CIRCUIT COURT OF APPEALS AND, IN AN EFFORT TO ADDRESS THE DISTRICT COURT'S CONCERNS, IT ENACTED EMERGENCY ORDINANCE 2002-72, WHICH AMENDED SECTIONS 7.00.01, 7.00.08 AND 7.03.01 OF THE 2002 ARTICLE VII (WHICH SECTIONS WERE SIMILAR TO THE THREE SECTIONS OF THE 1999 ARTICLE VII THAT THE DISTRICT COURT'S JUDGMENT HAD DETERMINED TO BE UNCONSTITUTIONAL). ORDINANCE 2002-72 ALSO AMENDED THE 1999 LAND DEVELOPMENT CODE'S DEFINITION OF "BILLBOARD", "OFF-PREMISE SIGN" AND "ON-PREMISE SIGN" (CONTAINED IN ARTICLE XII - THE DEFINITIONS SECTION OF THE 1999 LAND DEVELOPMENT CODE) TO MAKE IT CLEAR THAT THOSE SIGNS COULD DISPLAY POLITICAL MESSAGES. THE COUNTY CONTINUED TO ENFORCE THE 2002 ARTICLE VII (CREATED BY ORDINANCE 2002-61 AND AMENDED BY ORDINANCE 2002-72). THE OFFICE OF THE COUNTY ATTORNEY BELIEVES THAT THE 2002 ARTICLE VII SHOULD BE AMENDED BY THIS PROPOSED ORDINANCE TO MORE CLEARLY COMPLY WITH THE OPINION OF THE ELEVENTH CIRCUIT COURT OF APPEALS

Proof of publication of the Notice of Public Hearing regarding Sign Regulation was received, having been published in *The St. Augustine Record* on May 29, 2004.

Daniel Bosanko, County Attorney, explained the reasons behind making the proposed changes to the Sign Ordinance, specifically referencing political message signs. (1:46 p.m.) Stern entered the meeting. (1:49 p.m.) Jacalone announced that the next public hearing on this issue was scheduled for June 22nd at 5:30 p.m.

(06/08/04 - 11 - 1:43 p.m.)

8A. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR SUNSHINE ACRES (Formerly Consent Item 9)

Kathy Neilsen, Applications Review Coordinator, stated that she still had not received the information needed for this item. She requested that this item be pulled and placed on next week's Consent Agenda; the Board concurred.

The meeting moved to Item 8.

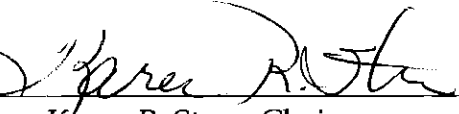
(1:50 p.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0 with Bryant absent, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 1:50 p.m.

REPORTS:

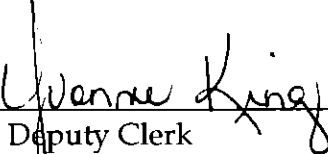
1. St. Johns County Board of County Commissioners Check Register, dated 5/27/04, for check nos. 352181 through 352214, totaling \$84,444.77
2. St. Johns County Board of County Commissioners Check Register, dated 6/1/04, for check nos. 352215 through 352638, totaling \$3,589,571.14
3. St. Johns County Board of County Commissioners Check Register, dated 6/1/04, for check nos. 352639 through 352644, totaling \$132,494.56
4. St. Johns County Board of County Commissioners Check Register, dated 6/2/04, for check nos. 352645 through 352651, totaling \$66,032.31

Approved June 22 , 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

