

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JUNE 22, 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

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

(06/22/04 - 1 - 9:07 a.m.)

Chair Stern called the meeting to order.

(06/22/04 - 1 - 9:07 a.m.)

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

(06/22/04 - 1 - 9:08 a.m.)

ROLL CALL

Stern announced that all five commissioners were present.

(06/22/04 - 1 - 9:08 a.m.)

SPECIAL RECOGNITION OF THE TOP WALKER AND TOP RUNNER IN THE 100-MILE CHALLENGE

Stern asked the Board members and Dennis Hollingsworth to join her in special recognition of the St. Johns County Wellness Program's 100-Mile Challenge. She announced that employees from the Board of County Commissioners, Clerk of the Courts, Property Appraiser, Sheriff's, Supervisor of Elections and Tax Collector's Office, were challenged to either walk or run 100 miles in fourteen weeks. Barbara Lee, County Mental Health Department, walked 423.06 miles and Dennis Hollingsworth, Tax Collectors Office, ran 399 miles and both were presented with certificates and six-month memberships to World Gym. She stated that 175 employees participated in the challenge and either walked or ran 16,057.33 miles in fourteen weeks and explained that the Wellness Program had been developed to help reduce insurance premiums and claims by encouraging and promoting healthy lifestyles.

(9:16 a.m.) Stern introduced City Commissioner Errol Jones and presented a copy of a \$500,000 check from the State of Florida that Senator Hill had presented on behalf of the St. Johns County's delegation with the State of Florida, the City of St. Augustine and St. Johns County in partnership for a project for non-functioning septic tanks in West Augustine. Commissioner Jones expressed his gratitude to the state for their donation.

(06/22/04 - 2 - 9:19 a.m.)  
PUBLIC COMMENT

Maggie White, P.O. Box 2034, updated the Commission on the Sharkbait Foundation and Remembrance Day scheduled for August 15, 2004.

(9:23 a.m.) Otto Gruhn, 1182 Neck Road, Ponte Vedra Athletic Association (PVAA) spoke on behalf of the PVAA Board of Directors on the possible Cornerstone property acquisition.

(06/22/04 - 2 - 9:24 a.m.)  
DELETIONS TO CONSENT AGENDA

There were none.

(06/22/04 - 2 - 9:24 a.m.)  
APPROVAL OF CONSENT AGENDA

**Motion by Maguire, seconded by Jacalone, carried 5/0, to approve the consent agenda.**

1. Approval of the Cash Requirement Report.
2. Minutes:  
06/08/04 - BCC Regular Meeting
3. Motion to adopt a Resolution, authorizing the County Administrator to execute the Escrow Agreement for roadway maintenance bonding and internal sidewalk construction for the Shores Unit 7 Phase 1 and to designate Donald J. Hallman as County Representative for the account.

**RESOLUTION NO. 2004-136**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE ESCROW AGREEMENT AND TO ASSIGN A COUNTY REPRESENTATIVE FOR SAME.**

4. Motion to adopt a Resolution approving Final Plat for Plantation Estates at Julington Creek Plantation Parcel 82 Phase One.

**RESOLUTION NO. 2004-137**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR PLANTATION ESTATES AT JULINGTON CREEK PLANTATION, PARCEL 82, PHASE ONE**

5. Motion to adopt a Resolution authorizing the County Administrator to enter into contract with the Florida Department of Children and Families for funding for mental health and substance abuse services to the citizens of St. Johns County.

**RESOLUTION NO. 2004-138**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT FOR STATE FISCAL YEAR 04-05 WITH THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES**

6. Motion to authorize the County Administrator to enter into contract with Motorola, Inc. for the purchase of upgrades to the existing Fire Rescue radio system in an amount not to exceed \$442,570.93.
7. Motion to adopt a Resolution authorizing the County Administrator to execute the project agreement for the Land and Water Conservation Fund (LWCF) Amphitheatre Nature Arboretum project and a Motion to adopt a Resolution recognizing unanticipated grant revenue in the amount of \$112,500 from the Land and Water Conservation Fund (LWCF) and appropriating it to 4460-55304(Amphitheater - Federal Grant Expenditures) to assist in the Phase II construction of the Nature Arboretum.

**RESOLUTION NO. 2004-139**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PROJECT AGREEMENT FOR THE LAND AND WATER CONSERVATION FUND (LWCF) AMPHITHEATRE NATURE ARBORETUM PROJECT**

**RESOLUTION NO. 2004-140**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 AMPHITHEATER BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY AMPHITHEATER**

8. Motion to approve the transfer of \$2,205.00 from Social Services Department account [0067-54601] to MIS Department accounts [0012-56403] in the amount of \$1,900.00 for the laptop computer and [0012-55102] in the amount of \$305.00 for the necessary software.
9. Motion to adopt a Resolution accepting a Temporary Construction Easement and a Grant of Easement for the Lewis Speedway Sidewalk Project.

**RESOLUTION NO. 2004-141**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FOR TEMPORARY ACCESS AND USE DURING THE CONSTRUCTION OF A PUBLIC SIDEWALK WITHIN THE RIGHT-OF-WAY ALONG THE WEST SIDE OF LEWIS SPEEDWAY AND GRANT OF**

**EASEMENT FOR INSTALLATION AND FUTURE  
MAINTENANCE OF A CONCRETE CULVERT FOR  
DRAINAGE PURPOSES ALONG LEWIS SPEEDWAY.**

10. Motion to adopt a Resolution authorizing the Chair of the Board to execute a Quit Claim Deed conveying property to Feehan Timber Investments, Inc. to clear a cloud on the title.

**RESOLUTION NO. 2004-142**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
AUTHORIZING THE CHAIR OF THE BOARD TO  
EXECUTE A QUIT CLAIM DEED, IN CONVEYING A  
PROPERTY TO FEEHAN TIMBER INVESTMENTS, INC.  
TO CLEAR A CLOUD ON THE TITLE.**

11. Motion to adopt a Resolution accepting an Easement for Utilities for water and sewer service to Six Mile Creek North Unit 2 Tract 13 Subdivision and accepting a Bill of Sale conveying all personal property associated with the water and sewer system.

**RESOLUTION NO. 2004-143**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
ACCEPTING AN EASEMENT FOR UTILITIES FOR  
WATER AND SEWER SERVICE TO SIX MILE CREEK  
NORTH UNIT 2, TRACT 13 SUBDIVISION AND  
ACCEPTING A BILL OF SALE CONVEYING ALL  
PERSONAL PROPERTY ASSOCIATED WITH THE  
WATER AND SEWER SYSTEM.**

12. Motion to waive the requirement for an appraisal for a purchase less than \$100,000, pursuant to Section 125.355(b), Florida Statutes; and Motion to adopt a Resolution approving the terms of the Purchase and Sale Agreement for the County's Acquisition of the property for the construction of two well sites in the International Golf Parkway Area, and authorizing the County Administrator to execute the Purchase and Sale Agreement on behalf of the County.

**RESOLUTION NO. 2004-144**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
APPROVING THE TERMS OF A PURCHASE AND SALE  
AGREEMENT AND AUTHORIZING THE COUNTY  
ADMINISTRATOR TO EXECUTE THE PURCHASE AND  
SALE AGREEMENT ON BEHALF OF THE COUNTY,  
FOR THE ACQUISITION OF PROPERTY FOR THE  
CONSTRUCTION OF TWO WELL SITES IN THE  
INTERNATIONAL GOLF PARKWAY AREA**

13. Motion to adopt a Resolution approving the terms and authorizing the County Administrator to execute certain Purchase and Sale Agreements for property needed for the Improvements to Old Moultrie Road and Kings Estate Road.

**RESOLUTION NO. 2004-145**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CERTAIN PURCHASE AND SALE AGREEMENTS NEEDED FOR IMPROVEMENTS TO OLD MOULTRIE ROAD AND KINGS ESTATE ROAD.**

14. Motion to adopt a Resolution approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for a strip of property needed for the improvements to Roberts Road.

**RESOLUTION NO. 2004-146**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR THE IMPROVEMENTS TO ROBERTS ROAD.**

15. Motion to adopt a Resolution accepting a Drainage Easement for access to an outfall pipe from Lena Street to Anderson Street.

**RESOLUTION NO. 2004-147**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DRAINAGE EASEMENT TO AN OUTFALL PIPE FROM LENA STREET TO ANDERSON STREET.**

16. Motion to adopt a Resolution approving the terms, provisions, conditions, and requirements of an Interlocal Agreement between St. Johns County and the Public Defender's Office, Seventh Judicial Circuit, in order to provide the means and procedure for compensating the Public Defender's Office for legal services detailed in the Interlocal Agreement and authorizing the Chairperson of the Board to execute the Interlocal Agreement on behalf of St. Johns County.

**RESOLUTION NO. 2004-148**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS, TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE PUBLIC DEFENDER, SEVENTH JUDICIAL CIRCUIT, IN ORDER TO PROVIDE THE MEANS AND PROCEDURE FOR COMPENSATING THE PUBLIC DEFENDERS OFFICE FOR LEGAL SERVICES DETAILED IN THE INTERLOCAL AGREEMENT.**

17. Motion to adopt a Resolution approving the terms, provisions, conditions, and requirements of an Interlocal Agreement between St. Johns County and the State Attorney's Office, Seventh Judicial Circuit, in order to provide the means and procedure for compensating the State Attorney's Office for legal services detailed in the Interlocal Agreement and authorizing the Chairperson of the Board to execute the Interlocal Agreement on behalf of St. Johns County.

**RESOLUTION NO. 2004-149**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS, TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE STATE ATTORNEY, SEVENTH JUDICIAL CIRCUIT, IN ORDER TO PROVIDE THE MEANS AND PROCEDURE FOR COMPENSATING THE STATE ATTORNEY'S OFFICE FOR LEGAL SERVICES DETAILED IN THE INTERLOCAL AGREEMENT.**

18. Proofs:
  - a. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners, Select Underwriter, Wednesday, June 2, 2004 at 1:30 p.m.
  - b. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Ordinance to change the Land Development Code, ORD Construction, Tuesday, June 8, 2004 at 1:30 p.m.
  - c. Proof, Notice of 7th Annual N.E. Florida Regional Cooperation Summit, St. Johns County Board of County Commissioners and the North Florida Regional Planning Council, Wednesday, June 23, 2004, 7:30 a.m.
  - d. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Turnbull Creek CDD, June 22, 2004, 1:30 p.m.
  - e. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Heritage Landing CDD, June 22, 2004, 1:30 p.m.
  - f. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Proposed Ordinance Regulation of Signs, Tuesday June 8, 2004 at 1:30pm and Tuesday, June 22, 2004 at 5:30 p.m.
  - g. Proof, Notice of Town Meeting, St. Johns County Commission District 4, Friday, June 4, 2004 at 2:00 p.m.
  - h. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Proposed Ordinance for Legal Aid and Law Library, Tuesday, June 15, 2004 at 9:00 a.m.
  - i. Proof, Notice of Public Hearings, St. Johns County Board of County Commissioners, Proposed Ordinance Surcharge on Traffic Infractions, Tuesday, June 15, 2004 at 9:00 a.m.
  - j. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Ordinance to change the Land Development Code, Flags and Sign, Tuesday, June 22, 2004, at 5:30 p.m.
  - k. Proof, Notice of Public Hearing, St. Johns County Board of County Commissioners, Proposed Ordinance to change the Land Development Code, Tuesday, June 8, 2004, at 1:30 p.m.
  - l. Proof, Notice to Bidders, Bid No. 04-85
  - m. Proof, Notice to Bidders, Bid No. 04-87
  - n. Proof, Notice to Bidders, Bid No. 04-88
  - o. Proof, Notice to Bidders, RFQ No. 04-89

- p. Proof, Certificate of Liability Insurance, Sea Tech Marine International, Inc.
- q. Proof, Certificate of Liability Insurance, Econosweep, Inc. DBA Econowaste, Inc.
- r. Proof, Certificate of Liability Insurance, Collier Waste Containers Inc.
- s. Proof, Certificate of Liability Insurance, Arwood Inc.
- t. Proof, Certificate of Liability Insurance, Westwind Contracting Inc.
- u. Proof, Certificate of Liability Insurance, James and Diane Nicholas
- v. Proof, Certificate of Liability Insurance, Florida League of Cities, Inc.
- w. Proof, Certificate of Liability Insurance, Ann's Site Cleaning Inc.
- x. Proof, Certificate of Liability Insurance, Professional Employer Plans
- y. Proof, Certificate of Liability Insurance, American Contractors & Developers, Inc.
- z. Proof, Certificate of Liability Insurance, Diversified Development Southeast, Inc.

(06/22/04 - 7 - 9:25 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern requested that Items 2 and 3 be moved to end of morning Agenda and Item 5 to 1:30 p.m. Adams requested to add Item A1 to the morning agenda and reverse items 14 and 15, hearing 15 first and then 14. Bosanko requested a continuance of Item 10 to a later date.

(06/22/04 - 7 - 9:27 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Jacalone, seconded by Maguire, carried 5/0, to approve the Regular Agenda with changes.**

(06/22/04 - 7 - 9:27 a.m.)

- A1. CONSIDER A REQUEST FOR AUTHORIZATION TO THE FINANCE DIRECTOR TO REIMBURSE MEDICARE FOR OVERPAYMENTS TOTALLING \$1,202.59.

Allen MacDonald, Finance Director explained that in April 2004 the Board had agreed to pay Medicare for overpayments for the County Fire Services and EMS Departments. He explained that an additional request from the Medicare Part B Provider had been received for \$1,202.59 for reimbursement of an additional claim of overpaid Medicare funds. MacDonald requested a motion to approve the payment. (9:29 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to authorize the Finance Director to pay the bill.**

(06/22/04 - 7 - 9:29 a.m.)

- 1. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE RESTRUCTURING OF THE ESCROW ESTABLISHED FOR THE SERIES 1996 REFUNDED CONVENTION CENTER BONDS.

Allan MacDonald, Finance Director explained that on June 1, 2004 the Board had directed the Finance Department to work with the County Attorney's office, Jean Mangu, Special Council and Mitch Owens, RBC Dain Rauscher, to put together the documents necessary to restructure the current escrow account to achieve at least \$100,000 in savings. He stated that they were unable to achieve that level of savings in one day and that the documents that they had prepared would enable the Finance Department to quickly get into the markets to restructure the escrow account with the

Board approval. MacDonald stated that the Resolution identified a level of savings of at least \$25,000 in net of expenses. He gave examples of savings options and mentioned that the economy was recovering and higher interest rates would generate the sums necessary to pay the debt. (9:34 a.m.) **Motion by Meiszer, seconded by Maguire** followed by discussion. **Motion carried 5/0 to adopt Resolution 2004-150, authorizing the restructuring of the escrow established for Series 1996 refund Convention Center Bonds at 9:42 a.m.**

#### RESOLUTION NO. 2004-150

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPLEMENTING RESOLUTION 2004-32 OF THE COUNTY, ADOPTED ON FEBRUARY 3, 2004, FOR THE PURPOSE OF AUTHORIZING THE RESTRUCTURING OF THE ESCROW ESTABLISHED PURSUANT THERETO IN CONNECTION WITH THE REFUNDING OF THE COUNTY'S OUTSTANDING TAXABLE CONVENTION CENTER REVENUE BONDS, SERIES 1996; AUTHORIZING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

(06/22/04 - 8 - 9:42 a.m.)

4. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS FIRST MORTGAGE REVENUE BONDS (PRESBYTERIAN RETIREMENT COMMUNITIES PROJECT), SERIES 2004A AND 2004B IN AN AMOUNT NOT TO EXCEED \$48,000,000.

Irvin Weinstein, Rogers & Towers, 1401 Riverplace Blvd., stated that he was Bond Council for the St. Johns County Industrial Development Authority that had authorized the issuance of up to 48 million dollars worth of tax exempt and taxable bonds for the benefit of Presbyterian Retirement Communities and related corporations, one of which operated Westminster Woods in Julington Creek. He explained that the bond proceeds would be used for capital improvements and reimbursements for the affiliated group. He explained that the documents in conjunction with the transaction, as required by Florida Law, indicated that neither the County nor the Authority would be liable for the repayment of the debt, but that the debt repayment would be made from monies received from the affiliated corporations of Presbyterian Retirement Communities. (9:44 a.m.) Jacalone asked if the group was a non-profit organization and Weinstein answered that it was a non-profit 501(c)(3) Corporation. Jacalone asked for a geographical description of the project locations resulting from distribution of the proceeds. Weinstein answered that there would be a facility in Julington Creek in St. Johns County, a facility in Leon County and several facilities in St. Petersburg and Bradenton. Jacalone asked how much money would be spend it St. Johns County and Weinstein answered approximately \$28,000,000.00 would be spent in St. Johns County. Jacalone asked Dan Bosanko, County Attorney to affirm that there would be no risk to the county. (9:47 a.m.) Bosanko asserted that this type of bond issue would not be payable from any county revenues. He explained that the county would not be liable but that the Board needed to approve issuance of the bond as a formality. (9:49 a.m.) Maguire asked for clarification of the IDA. Weinstein explained that this would be a conduit transaction because of the federal tax laws requiring approval by local government. A discussion regarding the IDA ensued. (9:56 a.m.) **Motion by Bryant, seconded by Jacalone,** followed by public comment.



(9:57 a.m.) Louise Thrower, 288 Orange Avenue, spoke in opposition of the approval of Item 4. (10:06 a.m.) Ben Adams, County Administrator stated that the last two lines of the Item 4 packet clearly stated that the County was not liable in any way for payment due under the bonds and that the County Commission's approval was required both as a matter of Florida Law and by the Internal Revenue Code. (10:07 a.m.) **Motion carried 5/0, to adopt Resolution 2004-151 approving the issuance by St. Johns County Industrial Development Authority of its First Mortgage Revenue Bonds (Presbyterian Retirement Communities Project), Series 2004A and 2004B in an amount not to exceed \$48,000,000.00.**

#### RESOLUTION NO. 2004-151

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ISSUANCE OF NOT EXCEEDING \$48,000,000 AGGREGATE PRINCIPAL AMOUNT FIRST MORTGAGE REVENUE BONDS. (PREBYTERIAN RETIREMENT COMMUNITIES PROJECT), SERIES 2004A AND TAXABLE VARIABLE RATE DEMAND FIRST MORTGAGE REVENUE BONDS (PRESBYTERIAN RETIREMENT COMMUNITIES PROJECT), SERIES 2004B, BY THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO FINANCE, REFINANCE AND REIMBURSE THE COSTS OF VARIOUS CAPITAL PROJECTS OF PRESBYTERIAN RETIREMENT COMMUNITIES, INC., WESLEY MANOR INC., AND AFFILIATED CORPORATIONS LOCATED WITHIN AND OUTSIDE OF ST. JOHNS COUNTY; APPROVING SUCH ISSUANCE OF FIRST MORTGAGE REVENUE BONDS PURSUANT TO CHAPTER 158, FORIDA STATUTES, AS AMENDED, AND SECTION 147 (f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.**

(06/22/04 - 9 - 10:07)

6. CONSIDER APPROVAL OF CHARTER FOR ST. JOHNS COUNTY FAIR ASSOCIATION, INC.

Cochran Keating, 155 Drake Road explained that the St. Augustine St. Johns County Chamber of Commerce and the St. Augustine Sertoma Club had begun the County Fair eight years ago. He mentioned that the Fair had grown over the years and that it was no longer economically feasible for these entities to incur the expense. He stated that a group of concerned citizens: Troy Blevins, Jim Dilbeck, Phil Genovar, Henry Green, Allan Green, Cochran Keating, Bubba Klipstein, Tommy Lee, Alan Roberts, Mike Siragusa, Harry Waldron and Doug Wiles were working together to form a St. Johns County Fair Association and that they agreed that the goal would be to have a true, county agricultural fair for the expressed purpose of joining other Florida Counties, chartered by the Florida Department of Agriculture as a County Fair under Florida Statute 616. He explained that becoming a chartered fair would mean that the fair would have a solid base, meet strict minimum standards and have an organizational structure that would insure the fair's future for our children's children. He reviewed the minimum requirements for an agricultural fair. He mentioned that the County Legal Department had perused the documents and had offered a positive opinion as to the impact on County exposure. He explained that the St. Johns County Agricultural Fair would be self supporting and that they were not asking for county dollars because as a 616 Chartered Fair, with the State of Florida, the Fair would be productive by

becoming eligible for matching grants from the State for buildings and facilities on the County Fairgrounds. He announced that the St. Johns County Agricultural Fair had been scheduled for November 16 -21, 2004. (10:12 a.m.) Meiszer asked about rent or lease payments. Keating answered that the St. Augustine Agricultural Fair would be making lease payments and that they would be working closely with Bubba Klipstein. (10:13 a.m.) **Motion by Meiszer, seconded by Bryant, carried 5/0, to approve the Charter of the St. Johns County Fair Association, Inc.** (10:14 a.m.) Stern requested that the Board be provided with a list of the Fair Association members and charter requirements.

(06/22/04 - 10 - 10:15 a.m.)

7. CONSIDER A MOTION TO ADOPT A RESOLUTION DEFERRING THE PAYMENT OF UNIT CONNECTION FEES FOR QUALIFIED, SINGLE-FAMILY AFFORDABLE HOUSING, AS MEASURED AS A PERCENTAGE OF THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM.

Bill Young, Utility Director, explained that the requested resolution represented a very minor adjustment to current policy and that the resolution would authorize qualifying homes, as defined by the Division of Housing and Community Services, to obtain a building permit without prepayment of unit connection fees as applied to other residential homes. He explained that there would be no reduction in connection fees. He mentioned that the City of St. Augustine had passed a similar resolution and had adjusted their policy accordingly. (10: 16 a.m.) Jacalone asked for clarification and discussion ensued. (10:19 a.m.) Bryant stated it was important to take a proactive approach to affordable housing because of the critical need in St. Johns County. (10:20 a.m.) **Motion by Bryant, seconded by Stern, to adopt Resolution 2004-152 deferring the payment of unit connection fees for qualified single-family affordable housing, as measured as a percentage of the State Housing Initiatives Partnership (SHIP) Program,** followed by discussion. **The motion carried 4/1, with Jacalone opposed,** at 10:26a.m.

#### RESOLUTION NO. 2004-152

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO APPROVE DEFERRING THE PAYMENT OF WATER AND SEWER AND CONNECTION FEES FOR SINGLE FAMILY RESIDENTIAL HOUSES THAT QUALIFY AS AFFORDABLE HOUSING, AND SETTING AN EFFECTIVE DATE.**

(06/22/04 - 10 - 10:27 a.m.)

8. CONSIDER A MOTION TO TRANSFER \$44,625.35 FROM GENERAL FUND RESERVES INTO THE APPROPRIATE ACCOUNT AND TO AWARD RFP 04-78, CLEAN-UP OF TREASURE BEACH CANALS, TO THE NO. 1 RANKED FIRM, F & A MARINE CONSTRUCTION, IN THE AMOUNT OF \$ 40,568.50.

Joe Burch, Purchasing Director explained the scope of work for the clean up of the Treasure Beach Canals. (10:30 a.m.) Jacalone asked for clarification of the bids and the discrepancy in amounts between the three companies. Burch reviewed the procedure. (10:32 a.m.) Bryant expressed his hope that the lowest bidder could do the work for the price quoted and Meiszer concurred. (10:34 a.m.) Mike Rubin, Construction Services Director explained that the debris in the canals had been there for a long time and that he was uncertain as to future maintenance needs and stated that the bulkheads could

prevent additional maintenance issues. Meiszer asserted that steps needed to be taken to prevent expensive clean-ups periodically.

(10:38 a.m.) Barbara Cleveland, 230 Treasure Beach Road, thanked the Commission for considering the item. She requested that a workshop to discuss the Treasure Beach Canal be organized by the County Commissioners that would also include the Treasure Beach Homeowners Association and Canal Committee. (10:41 p.m.) Jacalone directed Ben Adams, County Administrator, to set up a workshop with the Treasure Beach residents in November. Adams clarified that F & A were the only contractors that actually reviewed the site and that the other bidders had worked a bid without viewing the canal. (10:42 a.m.) Allan MacDonald, Finance Director suggested that the transfer of funds be changed to the Treasure Beach Municipal Service Benefit Unit (MSBU) if the residents were to be held fiscally accountable and that the funding would be acceptable under the directives.

(10:44 a.m.) Mary Kohnke, 29 S. Roscoe Blvd. was opposed to the County funding the clean up of canals that do not benefit the public and announced that homeowners should pay for the clean up not the taxpayers of St. Johns County. (10:46 a.m.) Meiszer explained that he and Mike Rubin had done their best to prevent the county from taking over the canals and that they had advised against because it would be an ongoing problem but that the Commission holding office at the time decided to take title to the canals. He requested a review of the Treasure Beach MSBU and an explanation of its purpose for presentation at the workshop. Kohnke stated that the property owners had paid for the original dredging projects with a MSBU for a period of ten years. Cleveland concurred and explained that the developers had owned the canals and not the residents and that the canals had passed by Quit Claim deed from the developers to the county. (10:50 a.m.) Jacalone stated that should the Board decide to recoup the expenses, he would be flexible on the issue. Maguire asked for clarification of the project. He stated that he would support the clean up effort but requested that future clean-ups, dredging and bulkhead repair or removal be the responsibility of the residents and asked why the county was incurring the expense to remove a private owners bulkhead or dock. (10:53 a.m.) Adams stated that the zoning agency had identified several failing bulkheads. Bryant mentioned that there would be an additional MSBU for 10-years for another dredging project in the canal. He stated that the monies would be recoverable in a future MSBU. (10:54 a.m.) Stern mentioned discussion of an additional MSBU for dredging the canal at the November workshop. (10:55 a.m.) Jacalone asked if this work could be included in a future assessment and MacDonald answered that the monies should be placed in Fund 178, Treasure Beach Special Revenue Fund, along with transfers of general funds and expenditures associated with the project in the fund, including any other county expenditures associated to the area, so that the dollars could be easily accounted for. (10:56 a.m.) Michael Hunt, Deputy County Attorney, explained that entering into this contract would make it difficult to recoup the expenses at a later time with a subsequent MSBU. (10:56 a.m.) Bosanko stated that the MSBU for dredging the canal was defunct and a new MSBU would need to be created. He was uncertain as to whether or not the monies for the canal cleanup could be recovered but suggested mentioning the intent to recover the funds in the motion. (10:58 a.m.) Maguire stated that safety, health and the environment must be considered and that monies should be recovered from property owners where applicable. (10:58 a.m.) **Jacalone motioned, seconded by Meiszer, carried 5/0, to transfer \$44,625.35 from General Fund Reserves to Treasure Beach Canal Fund 178 and to award the RFP 04-78 Cleanup of Treasure Beach Canals to the number one ranked firm F & A Marine Construction in the amount of \$40,668.50 and that the maker of the motions' intent is to allow the expenses that are authorized today, if the Board so chooses, to be recovered, if possible, in a future MSBU, if one is formed.** (11:00 a.m.) Maguire requested that the motion include property owner's

responsibility to clean up their docks or bulkheads. (11:01 a.m.) Rubin suggested some type of document that would require the property owner to maintain or remove their bulkheads and docks. Meiszer explained that the property owners caused the neglect and debris and it could be proven, the property owner should be held accountable for the cost. He requested the canal ordinance include a provision that when negligence on the part of the property owner caused the problem the property owner would be responsible to clean it up or repair it.

The meeting recessed 11:03 a.m. and reconvened at 11:11 a.m.

(06/22/04 - 12 - 11:11 a.m.)

9. DETERMINATION OF CAPITAL IMPROVEMENT PROJECTS FOR SALES TAX REVENUE BONDS.

Mary Ann Blount, Real Estate Manager, reviewed the current list of possible CIP projects. (11:12 a.m.) Bosanko distributed and then summarized a memo authored by Irvin Weinstein and received from Jean Mangu, regarding the St Augustine Amphitheatre, which reviewed the possible use of sales tax bond monies and restrictions of use. He explained that if the Amphitheatre were to be completed using tax-exempt sales tax bonds and then repaid with sales tax money there would be restrictions. He asserted that a profit could not be made by a private business and that the county would have to run the operation so that the county in a way that the profit and loss of the overall operation would remain with the county and that the burdens and benefits of ownership would have to remain with the government entity. He explained that the county would be able to hire a manager but the contract would be restricted and that any profit or loss would have to be absorbed by the county. (11:16 a.m.) Michael Hunt, Deputy County Attorney, explained that other documents relating to the Amphitheatre restricted the County in other ways and would need to be reviewed. (11:17 a.m.) Meiszer mentioned that the use of tax-exempt bonds had not been considered in the past but had been proposed in a later discussion of the issue. He said that if the goal would be to have the amphitheatre become self-supporting it should be removed from the Sales Tax Bond list. He mentioned the new 10,000 seats Amphitheatre off of I-95 or Agricultural Drive whose developer had suggested that enlarging the St. Augustine Amphitheatre would hamper their project. Meiszer suggested expanding to five thousand seats regardless of the impact on the future development of a new amphitheatre located on State Road 16. Meiszer requested that the Cornerstone property be added to the list and that the list be revamped and prioritized. (11:23 a.m.) Bryant asked Stern for procedural direction. He concurred with Meiszer regarding the Amphitheatre issue and the purchase of the Cornerstone property. He mentioned the potential buyer for the Cornerstone property had no traffic concurrency and that a Comprehensive Plan Amendment would probably not be approved. He asked that monies be earmarked for this property and asked for consideration in making it a multi-purpose site. He expressed his opinion that recreational facilities were needed in St. Johns County and that the Board should provide this service. (11:27 a.m.) Stern asked Blount if the list could be reviewed and considered and brought back to the Board at a later date. Bosanko explained that the Board could take more time to decide but that the legal office would be ready to go forward with a bond resolution by July 27, 2004 and recommended the Board decide as swiftly as possible due to interest rates increasing. Stern asked that it be brought back to the board on July 20, 2004 or July 13, 2004. She stated that further review was necessary. (11:30 a.m.) Adams clarified that there were issues with using Bond dollars for the fairground and asked Jean Mangu to clarify. She explained that this would not comply with the existing contract with the state for fairgrounds operation and that the County would need to restructure their arrangement with the Fair. Adams explained that Klipstein said it would cost \$500,000.00 for seating and restrooms. (11:32 a.m.)

Stern asked that the item be continued to a July meeting date. Adams explained that the Ponte Vedra Annex was not a recommended expansion facility because parking was a serious issue. (11:35 a.m.) Rubin explained that additional square feet could not be permitted because there was no additional land available. He declared that the square footage of the building was maxed out per County Code and Water Management District requirements and that without land for additional parking and retention, personnel could not be added to the site. Stern suggested looking into obtaining an agreement with surrounding landowner for the use of parking facilities. (11:36 a.m.) Jacalone clarified that the projects that had been dropped from the list had been at the Boards direction because improvements could be funded from other sources. He reviewed the proposal on the Cornerstone Park and suggested that the value of the property is less than the current asking price due to transportation issues. (11:40 a.m.) Weimer stated that St. Johns County ran programs out of the Cornerstone facility and that there are no provisions in the lease to make changes and that there were four years left in the lease. Jacalone asked if the lease agreement could be terminated and Weimer answered that it could. Jacalone supported pursuing possible purchase of the Cornerstone property. (11:43 a.m.) Meiszer asked Jean Mangu to explain the contractual agreement St. Johns County had with the fairgrounds. He asked if the charter could be revised to allow for sales tax bond money to be used. Bosanko explained the agreement with the group currently operating the fairgrounds. He said that a major restructuring could be accomplished. Mangu clarified that a non-government group could not make a profit. Discussion ensued. (11:42 a.m.) Jacalone left the meeting. (11:50 a.m.) Adams suggested reviewing the options and returning to the board for recommendations in late July and requested guidance from the Board. Stern suggested reviewing the information. (11:51 a.m.) Maguire supported adding Cornerstone to the Bond Funding list for consideration but that he felt the asking price was too high. He explained that purchasing options had been discussed and that the Cornerstone property already had an offer on the table. (11:57 a.m.) Bosanko reminded the Board that all of the items on the Bond Funding list had to be projects that would be completed within three years with exception of the boat ramps, which could be extended up to five years because of permitting problems. (11:58 a.m.) Stern supported speaking to adjacent property owners of the Ponte Vedra annex. She asked Adams and Staff to meet with the School Board to discuss use of school recreational facilities throughout the county. (12:02 p.m.) Bryant suggested working with the Cornerstone Church to assist them in locating property in the northwest. (12:04 p.m.) Bosanko stated that there is a legal restriction regarding the building permit fees that had been built up to pay for the new permitting center. He explained that the Attorney General had ruled that the fund could not be used for Planning Department or the Comprehensive Plan features and only the first floor could be funded with the building permit fees and the second floor would have to be funded through another source. He explained that \$3.5 million dollars would be added to the Bond Funding Project list to complete the facility. (12:06 p.m.) Adams stated that funding options could be discussed. Stern announced that Blount would be meeting with each Commissioner to discuss the Bond Funding list and that the Board would review the list at the July 13, 2004 meeting and then finalizing the list at the July 20 meeting.

(12:07 p.m.) Mary Kohnke, 29 South Roscoe Boulevard, stated that need was not clearly defined on several proposed projects such as the Beach Library and the Annex Expansion. She asserted that the Northeast Park project was grossly underestimated and stated that the Flagler Estates project and boat ramp project costs were not accurately calculated. She asked the Board to put forth more effort in determining the priority list. She questioned spending the money on the Cornerstone property and the Boards fiscal responsibility.

(12:12 p.m.) Roger Van Ghent 4005 Moultrie Foreside Boulevard, asked why this item had not been moved to a future date. He opposed the projects on the list and requested documentation of the costs. He asked for more concise information. He said that the list of projects needed to be expanded and that facilities for senior citizens should be added.

(12:16 p.m.) Clara Cowan, Patrick Mill Circle, expressed concern over the projects on the list. She mentioned that the wish list was not a sufficient method of determining what projects needed to be addressed in Ponte Vedra. She requested public input be considered.

(12:18 p.m.) Pat Laurencelle, 23 Versaggi Drive, supported both of the library projects and stated that need and benefit had been well documented.

(12:20 p.m.) Stuart Blackwell, 24485 Harbour View Drive, spoke on behalf of the Cornerstone Facility providing baseball fields and asked the board for consideration.

(12:22 p.m.) Ross Byers, 4103 Bent Tree Circle, encouraged the Board to work with the School District to upgrade their fields and make them available to the public. He asked the Board to consider creative ways to consider the bonding process so that more could be done to fund parks and recreation in Ponte Vedra.

(12:24 p.m.) Jerry Norton, 105 Old Ponte Vedra Drive, explained that he has been involved in sports for many years and is active in the pursuit of athletic fields and programs for the children of Ponte Vedra. He stated that the Davis Park fields were overcrowded and that losing the fields at Cornerstone Park would be devastating to the children in the community.

(12:30 p.m.) Albert Holberg, 11 Lake Shore Drive, was in favor of a library branch location on Anastasia Island and asked the board to support the project.

10. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING ACTION TO ACQUIRE RIGHT-OF-WAY NECESSARY FOR COMPLETION OF ABERDEEN BOULEVARD AND THE EXECUTION BY THE COUNTY ADMINISTRATOR OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE ABERDEEN CDD REGARDING SUCH ACQUISITION.

*(This item postponed to a later date.)*

(12:33 p.m.) Stern moved Items 2, 3 and Reports to the end of the day

The meeting reconvened at 1:40 p.m. with Stern, Jacalone, Bryant, Meiszer, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

Commissioner Maguire was not yet present at the meeting.

(06/22/04 - 14 - 1:40 p.m.)

5. CONSIDER RECOMMENDED WORDING FOR ST. JOHNS COUNTY'S PARTICIPATION IN FLORIDA'S WORLD WAR II MEMORIAL IN TALLAHASSEE

Richard Tallman, Veterans Service Officer, reviewed this item, reading the wording on the plaque; *"Approximately 74 American Service members from Saint Johns County were killed in various battles throughout the world during World War II. That was a staggering loss to a small town and the surrounding agricultural community. It was our County's greatest and*

most painful contribution to the war effort. The citizens of Saint Johns County proudly served our Country, whether in a battle or support, and will continue to honor this great nation's Military Service Veterans of World War II", Exhibit A. He mentioned that in conjunction with the Veterans (VA) Clinic, they are working on getting a VA van to run service from St. Augustine to Gainesville everyday, five days a week. The VA would pay for the van, the maintenance and the gas, and all they were asking for were volunteer drivers. (1:45 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to adopt the attached wording from St. Johns County for the World War II Memorial in Tallahassee.**

(06/22/04 - 15 - 1:45 p.m.)

11. PUBLIC HEARING - PNZVAR 2004-05, MARRIOTT AT SAWGRASS RESORT - THIS REQUEST SEEKS A NON-ZONING VARIANCE TO SECTION 3.06.09.C.11 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT) TO ALLOW AN INCREASE IN SQUARE FOOTAGE FOR DIRECTIONAL SIGNAGE. SECTION 3.06.09.C.11 PROVIDES FOR A MAXIMUM SIZE OF TWO SQUARE FEET PER SIGN AND THE APPLICANT IS REQUESTING SIGNS THAT MEASURE APPROXIMATELY 10.125 SQUARE FEET AND 5.625 SQUARE FEET. THE PROPOSED SIGNAGE PROGRAM IS TO BE INTERNALLY LOCATED THROUGHOUT THE SUBJECT PROPERTY, WHICH IS LOCATED AT 1000 PGA TOUR BOULEVARD IN THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT

Proof of publication of the Notice of Public Hearing on PNZVAR 2004-05 Marriott at Sawgrass was received, having been published in *The St. Augustine Record* on June 7, 2004.

Tony Robbins, 13901 Sutton Park Drive South, representing the applicant, reviewed this item, speaking on a variance for a sign footage increase. He submitted an article from the *Herald Tribune* as Exhibit A, and Adjacent Property Response Forms as Exhibit B. (1:49 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to approve PNZVAR 2004-05, Marriott at Sawgrass Resort, making Findings of Fact 1 through 6, contained within the package, to support the motion.**

(1:51 p.m.) Stern mentioned that Commissioner Maguire would be joining the meeting shortly.

(06/22/04 - 15 - 1:51 p.m.)

12. PUBLIC HEARING - HERITAGE LANDING CDD PETITION - THE HERITAGE LANDING COMMUNITY DEVELOPMENT DISTRICT (CDD) IS PROPOSED FOR THE SIX MILE CREEK WEST PARCEL OF THE ST. JOHNS DRI/PUD, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON AUGUST 27, 1991, PURSUANT TO ORDINANCE 91-37, AS AMENDED. THE CDD COVERS APPROXIMATELY 597 ACRES OF LAND LOCATED SOUTH OF S.R. 16, EAST OF S.R. 13, NORTH OF C.R. 208 AND WEST OF PACETTI ROAD (C.R. 13A), WITH ACCESS TO BE PROVIDED VIA S.R. 13. THE CDD BOUNDARY COVERS PARCELS 2 THROUGH 9 AND 11 THROUGH 13 OF THE SIX-MILE CREEK PARCEL. THIS PROJECT HAS BEEN APPROVED AND PLANNED FOR UP TO 1,154 SINGLE FAMILY RESIDENTIAL UNITS. IN ADDITION, THERE WILL BE 24.8 ACRES OF ACTIVE. THE PETITION PROPOSES THAT THE CDD PROVIDE THE FOLLOWING INFRASTRUCTURE IMPROVEMENTS WITHIN THE DISTRICT: ROADWAYS, WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY ST. JOHNS COUNTY;

ENTRANCEWAY/LANDSCAPING, WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; WATER AND SEWER FACILITIES, WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY ST. JOHNS COUNTY UTILITIES; RECREATIONAL FACILITIES, WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; AND STORMWATER MANAGEMENT FACILITIES WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD

Proof of publication of the Notice of Public Hearing on SJC BCC/Heritage Landing was received, having been published in *The St. Augustine Record* on May 25, June 1, June 8, and June 15, 2004.

Cheryl Stuart, 123 South Calhoun Street, Tallahassee, with Hopping Green and Sam, reviewed this item and the papers she filed at the meeting, Exhibit A.

(1:53 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of this item. She submitted a newspaper article, *Without Representation*, Exhibit B.

(2:05 P.M.) LOUISE THROWER, 288 ORANGE AVENUE, SPOKE IN OPPOSITION OF THIS ITEM ASKING FIVE QUESTIONS ABOUT CDD'S.

(2:06 p.m.) Stuart responded to the public comments. (2:08 p.m.) **Motion by Jacalone, seconded by Stern, to approve Ordinance No. 2004-46, approving the petition for the Heritage Landing Community Development District, adopting Findings contained within the package to support the motion.** Bryant asked about paying for wetlands. Bruce Ford, Chief Planner, responded.

(2:10 p.m.) Diane Mills, 3455 Lewis Speedway, spoke in opposition of this item. Discussion followed on the agency waiving the funding for the developer to have to pay the impact fees. (2:13 p.m.) **The motion carried 4/0 with Maguire absent.**

#### ORDINANCE NO. 2004-46

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE HERITAGE LANDING COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2003); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE**

(06/22/04 - 16 - 2:16 p.m.)

13. PUBLIC HEARING - TURNBULL CREEK CDD PETITION - THE TURNBULL CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD) IS PROPOSED FOR THE PALM LAKES PUD, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 22, 2002, PURSUANT TO ORDINANCE 2002-65. THE CDD COVERS APPROXIMATELY 389 ACRES OF LAND LOCATED SOUTH OF S.R. 16 AND EAST OF PACETTI ROAD (C.R. 13A,) WITH ACCESS TO BE PROVIDED VIA PACETTI ROAD. THE CDD BOUNDARY IS COTERMINOUS WITH THE PUD BOUNDARY, WITH THE EXCEPTION OF THE 25-ACRE COMMERCIAL PARCEL IN THE



NORTHWEST CORNER OF THE PUD WHICH IS EXCLUDED FROM THE CDD BOUNDARY. THIS PROJECT HAS BEEN APPROVED AND PLANNED FOR UP TO 740 SINGLE FAMILY RESIDENTIAL UNITS, AND UP TO 145,000 SQUARE FEET OF COMMERCIAL USES. IN ADDITION, THERE WILL BE 10 ACRES OF ACTIVE RECREATION INCLUDING A SIX-ACRE COMMUNITY PARK. THE PETITION PROPOSES THAT THE CDD PROVIDE THE FOLLOWING INFRASTRUCTURE IMPROVEMENTS WITHIN THE DISTRICT: ENTRANCE BOULEVARD, PACETTI ROAD IMPROVEMENTS AND INTERNAL ROADWAYS WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY ST. JOHNS COUNTY; S.R. 16 IMPROVEMENTS WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY FDOT; COMMUNITY RECREATION FACILITIES WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; MASTER STORMWATER MANAGEMENT SYSTEM WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; LIFT STATIONS, FORCE MAIN, WATER AND SEWER WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY THE ST. JOHNS COUNTY UTILITY AUTHORITY; ENTRY MONUMENTATION, LANDSCAPING AND SIGNAGE WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; AND STREET LIGHTING/CONDUIT WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY FPL

Proof of publication of the Notice of Public Hearing on the Turnbull Creek CDD, was received, having been published in *The St. Augustine Record* on May 25 and June 1, June 8, and June 15, 2004.

Meiszer questioned the language in the third line from the bottom on the coversheet regarding the language of "*the Utility being owned and maintained by the Utility Authority,*" when it should read, "*maintained by the St. Johns County Utility Department.*"

(2:18 p.m.) Cheryl Stuart, 123 South Calhoun Street, Tallahassee, reviewed this item, including information filed for the record, Exhibit A. Isabelle Lopez, Senior Assistant County Attorney, stated that the incorrect language was not in the Ordinance. Bruce Ford replied that it was a typo and that it should read "*St. Johns County Utilities.*" Jacalone asked Stuart if she could go over the proposed projects that the CDD initially would be; Stuart explained.

(2:20 p.m.) Tom Welch, 14775 St. Augustine Road, Jacksonville, England, Thims and Miller, responded to Jacalone's question. (2:21 p.m.) **Motion by Bryant, seconded by Jacalone, carried 4/0 with Maguire absent, to approve Ordinance No. 2004-47, approving the petition for the Turnbull Creek Community Development District, adopting Findings of Fact 1 through 6, contained in the packet to support the motion.**

#### ORDINANCE NO. 2004-47

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE TURNBULL CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2003); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A

**SEVERABILITY CLAUSE; AND PROVIDING AN  
EFFECTIVE DATE**

*The meeting moved to Item 15.*

(06/22/04 - 18 - 2:24 p.m.)

14. PUBLIC HEARING - MAJMOD 2004-09, WORLD COMMERCE CENTER PUD - A NOTICE OF PROPOSED CHANGE (NOPC) TO THE WORLD COMMERCE CENTER DRI HAS BEEN FILED CONCURRENTLY WITH THIS APPLICATION. THE SUBJECT PROPERTY IS LOCATED AT 2700 INTERNATIONAL GOLF PARKWAY AND COMPRISES 951 ACRES. THE WORLD COMMERCE CENTER PUD WAS ORIGINALLY APPROVED BY ORDINANCE NUMBER 2003-108 AND INCLUDED THE FOLLOWING USES: 1,156 RESIDENTIAL UNITS; 1,000 HOTEL ROOMS; 908,800 SQUARE FEET (SF) OF RETAIL/SERVICE; 453,900 SF OF LIGHT INDUSTRIAL; AND 2,171,488 SF OF OFFICE. THIS REQUEST INCLUDES THE FOLLOWING MODIFICATIONS TO THE MASTER DEVELOPMENT PLAN MAP AND TEXT: REALLOCATE THE RING POWER SQUARE FOOTAGE IN THE PUD TRACKING TABLE FROM 388,000 SF OF LIGHT INDUSTRIAL TO 303,500 SF OF LIGHT INDUSTRIAL AND 84,835 SF OF OFFICE. ORIGINALLY THE TOTAL SQUARE FOOTAGE TO BE BUILT FOR RING POWER WAS DESIGNATED AS LIGHT INDUSTRIAL. HOWEVER, A PORTION OF THE OPERATION IS ACTUALLY A REGIONAL OFFICE AND WOULD BE CORRECTLY CLASSIFIED AS SUCH. REVISE THE MASTER DEVELOPMENT PLAN MAP TO REFLECT THE CHANGES IN LAND USES, AS REQUESTED IN THE CORRESPONDING NOPC: 53 ACRES OF INDUSTRIAL IS DESIGNATED AS COMMERCIAL (11 ACRES FOR THE RING POWER REGIONAL OFFICE AND 42 ACRES SOUTH OF RING POWER); AND 7 ACRES SOUTH OF THE WORLD COMMERCE PARKWAY IS DESIGNATED RESIDENTIAL. REVISE SECTION D.1 OF THE MASTER DEVELOPMENT PLAN TEXT TO REFLECT THE CORRESPONDING CHANGES IN ACREAGE OF THE LAND USES. REVISE SECTION R.2 OF THE MASTER DEVELOPMENT PLAN TEXT TO INCLUDE "EARTHMOVING EQUIPMENT SALES AND SHOWROOM" AS A HIGH INTENSITY COMMERCIAL USE. REVISE SECTION R.2 OF THE MASTER DEVELOPMENT PLAN TEXT TO INCLUDE "INDUSTRIAL MACHINERY AND EQUIPMENT AUCTION SITE" AS BOTH A HIGH INTENSITY COMMERCIAL AND INDUSTRIAL USE

Proof of publication of the Notice of Public Hearing on MAJMOD 2004-09 was received, having been published in *The St. Augustine Record* on June 2, 2004.

Anthony Robbins, 13901 Sutton Park Drive South, Suite 200, Jacksonville, reviewed this item, stating that there was a new use and an addition of a showroom, to be allowed in high intensity commercial. Cubbedge stated that there was no correspondence on this item and the PZA approval was 6/0. (2:26 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to enact Ordinance No. 2004-48, known as MAJMOD 2004-09, World Commerce Center PUD, adopting Findings of Fact to support the motion contained within the package.**

**ORDINANCE NO. 2004-48**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, APPROVING A MAJOR  
MODIFICATION TO THE WORLD COMMERCE  
CENTER PLANNED UNIT DEVELOPMENT (PUD),  
ORDINANCE NUMBER 2003-108, AS AMENDED,**

**MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE**

*The meeting moved to Item 16.*

(06/22/04 - 19 - 2:22 p.m.)

15. PUBLIC HEARING - NOPC 2004-01, WORLD COMMERCE CENTER DRI - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO REVISE THE DRI DEVELOPMENT ORDER AS FOLLOWS: REVISE EXHIBIT 3, LAND USE PHASING TABLE TO REFLECT THE FIRST AND SECOND DECLARATIONS OF CONVERSION, PREVIOUSLY APPROVED. REVISE EXHIBIT 2, MAP H TO REVISE THE PHASING TABLE IN ITS UPPER LEFT CORNER TO REFLECT THE CONVERSIONS. REVISE EXHIBIT 2, MAP H TO RECLASSIFY 53 ACRES OF INDUSTRIAL AS COMMERCIAL (11 ACRES FOR THE RING POWER REGIONAL OFFICE AND 42 ACRES SOUTH OF RING POWER). REVISE EXHIBIT 2, MAP H TO RECLASSIFY 7 ACRES OF COMMERCIAL SOUTH OF WORLD COMMERCE PARKWAY AS RESIDENTIAL. REVISE EXHIBIT 2, MAP H TO REVISE THE RENDITION DATE

Proof of publication of the Notice of Public Hearing on the notice of proposed change on NOPC 2004-01 was received, having been published in *The St. Augustine Record* on June 2, 2004.

Anthony Robbins, 13901 Sutton Park Drive South, Suite 200, Jacksonville, reviewed this item, stating that the Staff Report was very thorough and accurate, that there was simply some housekeeping being done, and some reclassification to some lesser intense uses. Nicole Cubbedge, AICP Planner III, pointed out that there was no correspondence and that the PZA recommended approval 6/0. (2:23 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to approve Resolution No. 2004-153, approving a Notice of Proposed Change to the World Commerce Center DRI Development Order, adopting Findings of Fact to support the motion contained in the package.**

**RESOLUTION NO. 2004-153**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE WORLD COMMERCE CENTER DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON DECEMBER 10, 2002, UNDER RESOLUTION 2002-267; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE**

*The meeting returned to Item 14.*

(06/22/04 - 19 - 2:26 p.m.)

16. PUBLIC HEARING - NOPC 2004-02, MARSHALL CREEK DRI - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO SATISFY THE REQUIREMENTS OF DEVELOPMENT ORDER SPECIAL CONDITION 36, BY PRESERVING A PORTION OF THE OLD KINGS ROAD ARCHAEOLOGICAL SITE AND REVISING MAP H TO SHOW THE PRESERVATION LOCATION. THE DIVISION OF HISTORIC RESOURCES HAS REVIEWED THE PROPOSED MITIGATION PLAN. THE APPROVED PLAN REQUIRES PRESERVATION OF

THE HISTORIC ROADBED AT ITS INTERSECTION WITH THE MEDIAN OF THE PROJECT'S ENTRY ROAD AND THE PLACEMENT OF A HISTORIC MARKER ON THE ENTRY SIDE OF THE ROAD DESIGNATING THE HISTORIC ROAD AND DISCUSSING ITS SIGNIFICANCE

Proof of publication of the Notice of Public Hearing on the notice of proposed change on NOPC 2004-02 was received, having been published in *The St. Augustine Record* on June 2, 2004.

Anthony Robbins, 13901 Sutton Park Drive South, Suite 200, Jacksonville, reviewed this item, stating it was a request for a Notice of Proposed Change to modify the DRI map to identify the archeological preserve site. Nicole Cubbedge, AICP Planner III, pointed out that there was no correspondence and that the PZA recommended approval of 6/0. (2:29 p.m.) **Motion by Bryant, seconded by Jacalone, carried 4/0 with Maguire absent, to approve Resolution No. 2004-154, approving a Notice of Proposed Change to the Marshall Creek DRI Development Order, adopting Findings of Fact 1 through 4 in the package.**

#### RESOLUTION NO. 2004-154

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE MARSHALL CREEK DRI DEVELOPMENT ORDER, AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON OCTOBER 13, 1998, UNDER RESOLUTION 98-91 AND AS PREVIOUSLY MODIFIED BY RESOLUTION 98-220, APPROVED DECEMBER 10, 1998; AND RESOLUTION 2002-103, APPROVED JUNE 4 2002; AND RESOLUTION 2004-24, APPROVED JANUARY 27, 2004; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE**

(06/22/04 - 20 - 2:30 p.m.)

17. PUBLIC HEARING - COMPAMD 2003-03, ST. AUGUSTINE CENTRE DRI (ADOPTION) (CONTINUED ITEM). PUBLIC HEARING TO CONSIDER COMPAMD 2003-03, A PROPOSED TEXT AMENDMENT TO THE 2015 COMPREHENSIVE PLAN. THIS REQUEST IS TO AMEND OBJECTIVE H.1.6 TO ADD POLICY H.1.6.11 TO ALLOW THE ST. AUGUSTINE CENTRE DRI TO UTILIZE THE STANDARDS AND GUIDELINES SET FORTH IN THE FLORIDA STATUTE SECTION 163.3180(12) TO SATISFY TRANSPORTATION CONCURRENCY BY A PAYMENT OF PROPORTIONATE SHARE CONTRIBUTION (PIPELINING). THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT CONSTITUTES A TEXT AMENDMENT TO THE 2015 COMPREHENSIVE PLAN, AMENDING OBJECTIVE H.1.6 TO ADD POLICY H.1.6.11. THIS IS A DRI-RELATED AMENDMENT AS ALLOWED BY FLORIDA STATUTE SECTION 380.06(16). THE BOARD HAS TRANSMITTED THIS APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS. THE DCA ISSUED A LETTER DATED APRIL 16, 2004, WHICH RAISED NO OBJECTIONS TO THE PROPOSED AMENDMENT. THE ST. AUGUSTINE CENTRE DRI COMPRISES 315.3 ACRES AND IS LOCATED AT SR 16 AND BELZ OUTLET BLVD. THE PROJECT IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) OF THE 2015 FUTURE LAND USE MAP AND IS ZONED PUD. THE REQUEST DOES NOT APPEAR TO BE INCONSISTENT WITH THE COUNTY COMPREHENSIVE PLAN, STRATEGIC REGIONAL POLICY PLAN

NOR THE STATE COMPREHENSIVE PLAN. THE APPLICANT HAS BEEN ADVISED THAT, IF THE BOARD APPROVES THE PROPOSED AMENDMENT FOR TRANSMITTAL AT THIS PUBLIC HEARING STAGE, ADDITIONAL REVIEW AND CONCERNS BY THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) WOULD BE REQUESTED PRIOR TO THE FINAL ADOPTION HEARING. PUBLIC COMMENT AND/OR CONCERNS EXPRESSED BY THE DCA WOULD BE CONSIDERED AT THAT TIME. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM AT THEIR JUNE 3, 2004, MEETING. THEIR RECOMMENDATION WILL BE PROVIDED AT THE BCC MEETING

Proof of publication of the Notice of Public Hearing on Ordinance No. 2000-34, amending Comprehensive Plan, Goals, Objectives and Policies was received, having been published in *The St. Augustine Record* on May 19, 2004.

Nicole Cubbedge, AICP Planner III, pointed out that this was a continued item. She mentioned that the applicant had revised the application and the Resolution to state that they would construct road improvements on SR 16, and that these improvements would commence by September 1, 2007 and must be completed within two years. (2:31 p.m.) Lopez left the meeting and Dan Bosanko, County Attorney, entered the meeting. She stated that the Resolution had a change in it, requested by DOT, that a statement be added to say that the construction would comply with their standards. Meiszer requested this item be tabled because of the changes. Bosanko mentioned that the change that they were asking for was for clarification. (2:34 p.m.) Commissioner Maguire entered the meeting.

(2:35 p.m.) Betsy Bowman, DRI attorney for the applicant, requested that this item not be tabled and she agreed with Bosanko that the request he made was just for clarification. She stated that if there was any change in the cost of construction of this particular road segment, that the applicant would bear the risk of increased cost. Jacalone asked what the difference was in the current plan, versus what they were proposing to do; starting in September 2007. Cubbedge replied that if all the improvements that were discussed were not done, they could not start Phase 3. Discussion followed on when Phase 3 would begin, the improvements that were scheduled, Projects Phase 3A and 3B, and the language requested by the DOT. Bosanko read into the record what he was recommending the Board add to the Resolution, on page 3 of the document just distributed, the first full paragraph in the middle of the page, after the language, "*the applicant shall cause the construction,*" adding the phrase; "*regardless of the cost stated in the Pipelining Amount,*" Cubbedge requested direction. (2:44 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/1 with Jacalone opposed, to enact Ordinance No. 2004-49, known as COMPAMD 2003-03, St. Augustine Centre DRI, to amend the 2015 Comprehensive Plan, Ordinance 2000-34, as amended, to amend Comprehensive Plan Policy H.1.6, to add Policy H.1.611 to authorize the St. Augustine Centre DRI to utilize the standards and guidelines set forth in Chapter 163.3180(12) Florida Statutes, to satisfy the County's transportation concurrency requirements by payment of a proportionate share, and adopting Findings of Fact to support the motion.**

#### ORDINANCE NO. 2004-49

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, AMENDING THE  
COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS  
AMENDED, TO AMEND COMPREHENSIVE PLAN  
GOALS, OBJECTIVES AND POLICIES-POLICY H.1.6 TO

ADD POLICY H.1.611 TO AUTHORIZE THE ST. AUGUSTINE CENTRE DRI TO UTILIZE THE STANDARDS AND GUIDELINES SET FORTH IN CHAPTER 163.3180 (12) FLORIDA STATUTES, TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS BY PAYMENT OF A PROPORTIONATE SHARE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

(06/22/04 - 22 - 2:45 p.m.)

18. PUBLIC HEARING - NOPC 2003-04, ST. AUGUSTINE CENTRE DRI (CONTINUED ITEM). THIS NOPC HAS BEEN SUBMITTED CONCURRENTLY WITH A COMPREHENSIVE PLAN AMENDMENT AND MAJOR MODIFICATION TO THE PUD. THIS NOTICE OF PROPOSED CHANGE (NOPC) TO THE ST. AUGUSTINE CENTRE DRI DEVELOPMENT ORDER PROPOSES TO DIVIDE PHASE 3 INTO 3A AND 3B FOR TRANSPORTATION MITIGATION PURPOSES. PHASE 3A WILL CONSIST OF 242,000 SF OF RETAIL USE (INCLUDING A MAXIMUM OF 75,000 SF OR OUTLET RETAIL), 146 HOTEL ROOMS AND 345 MULTI-FAMILY DWELLING UNITS. PHASE 3B WILL CONSIST OF 254 HOTEL ROOMS AND 300,000 SF OF LIGHT INDUSTRIAL. THE APPLICANT HAS SET FORTH THE PROPOSED PROPORTIONATE SHARE CONTRIBUTION/PIPELINE PROPOSAL FOR PHASE 3B. BASED ON THE FINDINGS OF THE TRAFFIC STUDY, THE APPLICANT HAS REQUESTED TO UTILIZE A PROPORTIONATE SHARE PAYMENT TO SATISFY THE TRANSPORTATION CONCURRENCY REQUIREMENTS FOR PHASE 3. THE TRAFFIC STUDY INDICATES THAT THE PROJECT'S PROPORTIONATE SHARE OF THESE TRANSPORTATION IMPACTS, DUE PRIOR TO THE COMMENCEMENT OF PHASE 3B, IS \$1,938,063. THE APPLICANT HAS ALSO INCLUDED A VOLUNTARY CONTRIBUTION, BASED ON LINK 92.2 (WEST MALL ENTRANCE TO I-95) OF \$649,386. THUS, THE TOTAL PROPORTIONATE SHARE CONTRIBUTION TOTALS TO \$2,587,449. THE NORTHEAST FLORIDA REGIONAL COUNCIL HAS PROVIDED THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE DRI. STAFF HAS NO OBJECTIONS TO APPROVAL AND TO A FINDING THAT THE PROPOSED NOPC DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION, SUBJECT TO THE APPROVAL OF THE PROPOSED COMPREHENSIVE PLAN AMENDMENT TO ALLOW A PROPORTIONATE SHARE CONTRIBUTION. THIS APPLICATION WILL BE HEARD BY THE PLANNING AND ZONING AGENCY AT THE JUNE 3, 2004, MEETING. THEIR RECOMMENDATION WILL BE PROVIDED AT THE BOARD MEETING

Proof of publication of the Notice of Public Hearing on NOPC 2003-04/St. Augustine Centre was received, having been published in *The St. Augustine Record* on May 19, 2004.

Nicole Cubbedge, AICP, Planner III, requested to do Items 18 and 19 together. Cubbedge reviewed these items, stating that they were requesting to revise Map H to internally reconfigure the approved land uses, to change the phasing schedule, and to change the end date of Phase 2, from the end of this year to December 31, 2005. She stated that the PZA made a motion to approve this item and it received a 3/3 vote, which was a technical denial of the motion.

(2:53 p.m.) Dusty Bowman stated that she would be glad to answer any questions. (2:53 p.m.) **Motion by Maguire, seconded by Stern, carried 3/2 with Jacalone and Meiszer**

opposing, to approve Resolution No. 2004-155, approving a Notice of Proposed Change to the St. Augustine Centre DRI Development Order, adopting Findings of Fact to support the motion with the proposed change given by Bosanko to add to the Resolution, on page 3 of the document just distributed, the first full paragraph in the middle of the page, after the language, "the applicant shall cause the construction," add the phrase; "regardless of the cost stated in the Pipelining Amount."

#### RESOLUTION NO. 2004-155

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 97-77); FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(06/22/04 - 23 - 2:58 p.m.)

19. PUBLIC HEARING - MAJMOD - 2004-10 ST. AUGUSTINE CENTRE PUD (CONTINUED ITEM). THE ST. AUGUSTINE CENTRE PUD CONSISTS OF 315.3 ACRES AND IS LOCATED AT 2320 STATE ROAD 16, WITHIN THE ST. AUGUSTINE CENTRE DRI. THE MAJOR MODIFICATION PROPOSES TO: REDUCE THE OVERALL OUTLET RETAIL USE BY 196,725 SF AT PUD BUILDOUT, PROVIDE FOR SUBPHASING OF PHASE 3 INTO PHASES 3A AND 3B FOR TRAFFIC PURPOSES, INTERNALLY RECONFIGURE THE PREVIOUSLY APPROVED LAND USES. THE APPLICANT HAS FILED FOR PERMITS TO FILL FOUR (4) ACRES OF WETLANDS ADJACENT TO I-95. IT IS STAFF'S OPINION THAT THE REQUESTED MAJOR MODIFICATION COMPLIES WITH THE COMPREHENSIVE PLAN AND THE ST. AUGUSTINE CENTRE DRI DEVELOPMENT ORDER. THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN. THE REVIEW PROCESS IS CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03.05, WHICH PROVIDES STANDARDS FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION. THE PLANNING AND ZONING AGENCY WILL HEAR THIS ITEM AT THEIR JUNE 3, 2004 MEETING. THEIR RECOMMENDATION WILL BE PROVIDED TO YOU AT THE BCC MEETING

Proof of publication of the Notice of Public Hearing on MAJMOD 2004-10/St. Augustine Centre was received, having been published in *The St. Augustine Record* on May 19, 2004.

**Motion by Maguire, seconded by Stern, carried 3/2 with Jacalone and Meiszer opposing, to enact Ordinance No. 2004-50, known as MAJMOD 2004-10, St. Augustine Centre PUD, adopting Findings of Fact to support the motion.** Discussion followed on the traffic study that was done.

#### ORDINANCE NO. 2004-50

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE CENTRE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE

**NUMBER 97-23, AS AMENDED, MAKING FINDINGS  
OF FACT; REQUIRING RECORDATION; AND  
PROVIDING FOR AN EFFECTIVE DATE**

The meeting recessed at 3:01 p.m. and reconvened at 3:09 p.m. with Michael Hunt, Deputy County Attorney, entering the meeting and Bryant not returning to the meeting.

(06/22/04 - 24 - 3:10 p.m.)

20. PRESENTATION ON THE UPDATE OF THE FLAGLER HOSPITAL PRIMARY CARE CLINIC

Jason Barrett, Vice-president of Operations for Flagler Hospital, gave a presentation on Flagler Hospital's Primary Care Clinic. He reviewed the National Perspective, the State Perspective, and Our Community's Needs. Maguire asked if the patient would be seen as per incident or patient basis. Barrett replied per incident basis. (3:16 p.m.) Bryant entered the meeting. Barnett spoke on the FPCC Operations, Utilization Growth, Utilization Demographics, Building Awareness and the next steps. Bosanko spoke on the contract that the Board had with Flagler Hospital. Bryant spoke on the contract with Flagler Hospital and mentioned a meeting scheduled for June 28th at 6:00 p.m. in his office, with discussion ensuing. Bryant mentioned that he would make sure that all the Commissioners got a copy of a report, *The Health Planning Council of Northeast Florida*, that he received every month. (3:47 p.m.) Jacalone and Hunt left the meeting.

(06/22/04 - 24 - 3:47 p.m.)

21. CONSIDER A MOTION TO APPROVE THE ST. JOHNS COUNTY HIGHWAY PROJECTS AND TRANSPORTATION ENHANCEMENT PROJECT PRIORITY LISTS FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF TRANSPORTATION

Shawn Collins, AICP, Transportation Planning Manager, spoke on the Florida Department of Transportation's requests from local governments for their priorities for potential funding of new transportation projects within the County, including those within municipal boundaries. Meiszer asked what highways were being improved with project item #3, under the enhancement list, the Lighthouse Visitors Center, to improve pedestrian flow and landscaping around the lighthouse. Collins replied and spoke on the projects on the list, with discussion ensuing. (3:59 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone absent, to approve the St. Johns County Highway Projects and Transportation Enhancement Project Priority Lists, for transmittal to the Florida Department of Transportation.**

(06/22/04 - 24 - 4:00 p.m.)

2. CONSIDER APPOINTMENTS TO THE RECREATION ADVISORY BOARD

Melissa Lundquist reviewed this item, stating that there were two vacancies on the Recreation Advisory Board that needed to be filled and there were four applications to be considered. Bosanko stated that there was a State law that prohibited dual office holding and he explained. (4:03 p.m.) **Stern nominated Angela Crooms to the Recreation Advisory Board, for a full four-year term, scheduled to expire June 22, 2008, and Meiszer nominated Cochran Keating, seconded by Bryant, carried 4/0 with Jacalone absent.** Bryant suggested for the Recreation Advisory Board to take more of a roll in assessing the recreational needs of the County and send recommendations to the Board of County Commissioners.



(06/22/04 - 25 - 4:06 p.m.)

3. CONSIDER APPOINTMENTS TO THE 2004 VALUE ADJUSTMENT BOARD

Stern mentioned that the School Board had already appointed its members for the 2004 Value Adjustment Board and that the Board of County Commissioners needed to appoint three members to serve on that Board. (4:07 p.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Jacalone absent, to appoint Commissioner Maguire, Meiszer, and Stern to the 2004 Value Adjustment Board.**

(06/22/04 - 25 - 4:10 p.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer spoke on an alternative way to finance the library on St. Augustine Beach.

Meiszer mentioned an individual who owned a ten-acre tract of land, St. Johns Nursery, off of SR13, who may lose it because of not being able to pay his taxes. He stated that this individual was looking for a way to increase his revenue by storing boats on the last three acres at the rear of the property and could not do that because his land was zoned Commercial General, which does not permit outdoor storage. He asked the Board if there was any way they could help this man.

Meiszer announced that Thursday, June 24th, the Metropolitan Planning Organization representative would be meeting with the Northwest St. Johns County Community Coalition at the United Church on Race Track Road at 7:00 p.m., so that the people who attend could participate in future transportation system development. Discussion ensued on the property off of SR 13.

(4:24 p.m.)

Commissioner Maguire:

Maguire spoke on attending the Ponte Vedra Community Association meeting, where a question came up on political signs in Ponte Vedra. He stated that he gave a brief overview of the sign issues. He asked Bosanko to help him put together something to give to them concerning the sign issues.

(4:24 p.m.)

Commissioner Bryant:

Bryant announced that the grand opening ceremonies for the Vilano Beach Pavilion was scheduled for the day after tomorrow, at 5:30 p.m. on Vilano Road.

(06/22/04 - 25 - 4:25 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced that the 7<sup>th</sup> Annual Regional Cooperation Summit was scheduled for tomorrow at the World Golf Village, beginning at 8:30 a.m.

(06/22/04 - 25 - 4:25 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko spoke on using the TDC money to help with the Superbowl costs, but stated that it could not be used.

(4:26 p.m.) Maguire announced that tonight in Ponte Vedra at 7:30 p.m., Dr. Joyner would be doing a presentation on the Talbot's site issues. Stern mentioned that it was at Landrum Middle School. She also mentioned that at 7:00 p.m. in Hastings, there would be a community meeting to discuss the Flagler Estates Master Plan for the park.

(06/22/04 - 26 - 4:26 p.m.)  
CLERK OF COURT'S REPORT

No report.

The meeting adjourned at 4:27 p.m. and reconvened at 5:39 p.m. with Stern, Maguire, Meiszer, Bryant, Bosanko, Barrow, Adams, Clem, and Deputy Clerk Yvonne King present. Jacalone was absent.

(06/22/04 - 26 - 5:39 p.m.)

22. 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 THE 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 JUDGMENT HAD DETERMINED TO BE UNCONSTITUTIONAL). ORDINANCE 2002-72 ALSO AMENDED THE 1999 LAND DEVELOPMENT CODE'S DEFINITIONS 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 on the ordinance amending portions of the County's Land Development Code that pertain to signs was received, having been published in *The St. Augustine Record* on May 29, 2004 and June 8, 2004.

Barrow explained that the purpose of the Ordinance was to address some concerns the 11<sup>th</sup> Circuit Court of Appeals had regarding the previous Sign Ordinance. Barrow then reviewed the changes in the Ordinance, as follows: a findings of fact section was added to support the constitutionality of the 2002 sign regulations; an index was added for ease of reference; a free speech provision was added to address the Appellate Court's concerns; it clarified that if a sign permit was denied that there must be specific reasons; it clarified some definitions with regards to billboards; and the definition of flag now did not address the American flag. Discussion followed regarding a time limit being put on political campaign signs erected prior to the election. (5:51 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone absent, to enact Ordinance No. 2004-51.**

#### ORDINANCE NO. 2004-51

AN ORDINANCE OF ST. JOHNS COUNTY, STATE OF FLORIDA, RELATING TO SIGNS. THIS ORDINANCE MAKES FINDINGS OF FACT AND AMENDS AND SUPPLEMENTS CERTAIN PROVISIONS OF ARTICLE I, ARTICLE VII AND ARTICLE XII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE IN THE FOLLOWING MANNER: IT ADDS ADDITIONAL FINDINGS OF FACT TO ARTICLE I; IT ADDS SECTION 7.00.001 INDEX TO ARTICLE VII; IT ADDS SECTION 7.00.002 FREE SPEECH PROVISION AND SUBSTITUTION CLAUSE; IT ADDS SECTION 7.00.003 SEVERABILITY; IT ADDS SECTION 7.00.004 REENACTMENT AND EFFECT OF ORDINANCES 2002-61 AND 2002-72 AS AMENDED; IT ADDS SECTION 7.00.005 REASONS FOR DENIAL OF A SIGN PERMIT APPLICATION; IT AMENDS THE PREAMBLE AND SUBSECTIONS D AND L OF SECTION 7.03.01 (PERTAINING TO FLAGS AND TO POLITICAL MESSAGE SIGNS); IT AMENDS SECTION 7.00.07 INTERPRETATION; IT AMENDS SECTION 7.04.01 POLITICAL CAMPAIGN SIGNS; IT AMENDS SECTION 7.05.01 SPECIAL EVENT SIGNS; IT AMENDS SECTION 7.00.09 OTHER REGULATIONS; IT AMENDS ARTICLE XII BY AMENDING THE DEFINITIONS OF BILLBOARD, FLAG, OFF-PREMISE SIGN, ON-PREMISE SIGNS, POLITICAL MESSAGE SIGN, SPECIAL EVENT AND SPECIAL EVENT SIGN, BY DELETING THE DEFINITION OF CLEARANCE AND BY ADDING THE DEFINITION OF POLITICAL MESSAGE; IT MOVES THE STATEMENT THAT ON-PREMISE SIGNS THAT EXCEED THREE HUNDRED SQUARE FEET ARE DEEMED TO BE BILLBOARDS FOR SPACING PURPOSES FROM THE DEFINITION OF BILLBOARDS TO SECTION 7.01.04.E SPACING; IT DESCRIBES THE EFFECT ON THIS ORDINANCE ON EXISTING SIGN PERMITS AND EXISTING APPLICATIONS FOR SIGN PERMITS; IT PROVIDES FOR SEVERABILITY AND IT PROVIDES AN EFFECTIVE DATE

(5:51 p.m.) Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 5:51 p.m.

REPORTS:

1. St. Johns County Check Register; approving checks 352868 through 352890 totaling \$29,371.12 (06/10/04)
2. St. Johns County Check Register; approving checks 352891 through 353227 totaling \$1,436,927.40 (06/15/04)

CORRESPONDENCE:

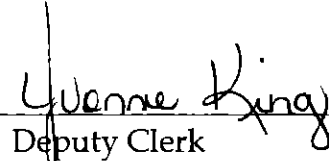
1. Letter to the Secretary of State filing Ordinance No. 2004-40 (06/11/04)
2. Order by the Public Service Commission approving transfer and canceling Certificates No. 617 & 531-S held by Nocatee Utility Corporation (06/07/04)
3. Letter to the Secretary of State filing Ordinances No. 2004-41 through 2004-45 (06/15/04)

Approved \_\_\_\_\_ July 13 \_\_\_\_\_, 2004

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

