

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 20, 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
 Robin Platt, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(07/20/04 - 1 - 9:00 a.m.)
Chair Stern called the meeting to order.

(07/20/04 - 1 - 9:01 a.m.)
Jacalone gave the Invocation and Stern led the Pledge of Allegiance.

(07/20/04 - 1 - 9:01 a.m.)
ROLL CALL

Stern stated that all five Commissioners were present.

(07/20/04 - 1 - 9:01 a.m.)
SPECIAL RECOGNITION OF LORETTA HODYSS, COUNTY EXTENSION DIRECTOR

Adams reviewed Hodyss' accomplishments while serving as the Extension Director, and presented her a gift. Hodyss thanked the Board, and her staff, for their support over the years. Stern presented Hodyss with a certificate of appreciation, on behalf of the County.

(07/20/04 - 1 - 9:07 a.m.)
PUBLIC COMMENT

Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, read a letter that she wrote that was published in the *Ponte Vedra Recorder* and the *Times-Union Shoreline*, regarding retaining Victor Martinelli on the Water and Sewer Authority.

(9:10 a.m.) Mary Kohnke, 29 S. Roscoe Blvd., presented a budget review summary for the Development Review and Zoning Departments, Exhibit A. She also addressed the number of employees handling development review versus the workload.

(9:13 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S., Fruit Cove, questioned if Consent Item 6 should have been on the agenda; as work was still being done by the Army Corp of Engineers.

(07/20/04 - 2 - 9:14 a.m.)

DELETIONS TO THE CONSENT AGENDA

There were none.

(07/20/04 - 2 - 9:14 a.m.)

APPROVAL OF THE CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to approve the transfer of \$72,600 from Utility Reserves (4426 - 59920) to the Sewage & Treatment Disposal Department to cover expenditures through the end of Fiscal Year 2004; specifically, \$45,000 to Contractual Services (4415-53120); \$24,500 to Operating Supplies (4415 - 55200); and \$3,100 to (4415 - 54603)
3. Motion to adopt **Resolution No. 2004-178**, recognizing unanticipated revenue in the amount of \$10,535, and increasing the expenditure budget of the Sea Turtle Trust Fund (#1272-1273-55200) in the same amount

RESOLUTION NO. 2004-178

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

4. Motion to adopt **Resolution No. 2004-179**, approving a Final Plat for Marshall Creek DRI Village Center, Unit Two-A

RESOLUTION NO. 2004-179

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI VILLAGE CENTER UNIT TWO-A

5. Motion to adopt **Resolution No. 2004-180**, approving a Final Plat for Marshall Creek DRI Village Center, Unit Three

RESOLUTION NO. 2004-180

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI VILLAGE CENTER UNIT THREE

6. Motion to adopt **Resolution No. 2004-181**, approving the 4.66 acres of mitigation land, as provided for in the Conservation Easement, and acknowledging the satisfaction of the Nocatee Development Order's requirement relating to mitigation land for the wetland impacts at the County Road 210 and Mickler Road intersection

RESOLUTION NO. 2004-181

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REPLACING RESOLUTION 2004-131, DUE TO A CHANGE IN THE LEGAL DESCRIPTION AND LOCATION OF THE MITIGATION AREA PROVIDED BY SONOC COMPANY, LLC, FOR INTERSECTION IMPROVEMENTS AT COUNTY ROAD 210 AND MICKLER ROAD

7. Motion to adopt **Resolution No. 2004-182**, accepting Drainage Easements for an outfall ditch along Huff Road

RESOLUTION NO. 2004-182

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING DRAINAGE EASEMENTS FOR AN OUTFALL DITCH ALONG HUFF ROAD

8. Motion to adopt **Resolution No. 2004-183**, approving the terms, provisions, conditions, and requirements of the Federally Funded Subgrant Agreement between the State of Florida, Department of Community Affairs, and St. Johns County, Florida, and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2004-183

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE FEDERALLY FUNDED SUBGRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

9. Motion to adopt **Resolution No. 2004-184**, authorizing the County Administrator to enter into a Licensing Agreement with Florida East Coast Railway, LLC, for the Rodriquez Street grade crossing

RESOLUTION NO. 2004-184

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A RAILROAD LICENSE AGREEMENT BETWEEN FLORIDA EAST COAST RAILWAY, LLC, AND ST. JOHNS COUNTY, FLORIDA, ASSOCIATED WITH A RAILROAD CROSSING LOCATED ON RODRIQUEZ STREET, AND AUTHORIZING THE COUNTY

**ADMINISTRATOR TO EXECUTE THE AGREEMENT
ON BEHALF OF THE COUNTY**

10. Motion to adopt **Resolution No. 2004-185**, authorizing the County Administrator to enter into a Licensing Agreement with Florida East Coast Railway, LLC, for the McLaughlin Street grade crossing

RESOLUTION NO. 2004-185

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A RAILROAD LICENSE AGREEMENT BETWEEN FLORIDA EAST COAST RAILWAY, LLC, AND ST. JOHNS COUNTY, FLORIDA, ASSOCIATED WITH A RAILROAD CROSSING LOCATED ON MCLAUGHLIN STREET, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

(07/20/04 - 4 - 9:14 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

Bosanko requested that an item be added to the end of the day, Item 10A, regarding an Interlocal Agreement with the City of St. Augustine for building code administration.

(07/20/04 - 4 - 9:15 a.m.)

APPROVAL OF THE REGULAR AGENDA

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

(07/20/04 - 4 - 9:15 a.m.)

1. PRESENTATION OF THE FISCAL YEAR 2005 RECOMMENDED BUDGET

Ben Adams, County Administrator, reviewed the budget process for Fiscal Year 2005 and the proposed millage rate. He announced that a Board workshop would be held on the recommended budget on Thursday, July 22nd, at 9:00 a.m. The Board will be asked to set the tentative millage rates on Tuesday, July 27th, and to adopt the budget in September. He also addressed new positions, space, cost of living increases, and debt service.

(9:21 a.m.) Jacalone stated that he would not be able to attend Thursday's workshop, and questioned if specific budget items could be added to the weekly agendas. He also said that he could not support the current proposed Fire Services millage rate, 1.2; and discussion followed.

(07/20/04 - 4 - 9:26 a.m.)

2. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF THE COST SHARING AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY, AND ST. JOHNS COUNTY, IN ORDER TO CONDUCT A FEASIBILITY STUDY OF THE COUNTY SHORE PROTECTION PROJECT, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO THE AGREEMENT, ON BEHALF OF THE COUNTY

Dan Bosanko, County Attorney, explained that there was an agreement, that was handed out at the beginning of the meeting, which the Board would be asked to take action on today. Michael Hunt, Deputy County Attorney, entered the meeting. Bosanko stated that Hunt had reviewed the agreement and made some minor changes to it.

(9:28 a.m.) Dan Weimer, Parks and Recreation Director, explained that the Board had approved a Letter of Intent that was forwarded to the Army Corp of Engineers (Corp), stating that the County intended to enter into an agreement for a feasibility study of the critically eroded North Beach and Summerhaven Beach areas. The Corp had completed a reconnaissance study that identified North Beach and Summerhaven Beach as areas that were in need of further study, and possible erosion control measures in the future. He explained that the total costs involved would be about \$745,000, over a two to three year period, and could possibly be shared with the State and the Port, Waterway and Beach Administration. The net cost to the County would be from \$150,000 to \$170,000, over the two to three year period.

(9:32 a.m.) Steve Ross, Project Manager, Army Corp of Engineers, explained what the feasibility study would encompass, i.e. evaluating environmental impacts and looking at coastal processes. He stated that the information was included in the Management Plan that was provided to the Board.

(9:34 a.m.) Bryant questioned if the State had ever passed a dedicated revenue source for beach renourishment. Weimer explained that there was \$30 million allotted, by the State, for these types of projects.

(9:36 a.m.) Hunt reviewed the changes that were made to the agreement, stating that the only change, of any consequence, was the addition of the words "State Law" to the end of paragraph A, of Article XI, on page 7.

(9:37 a.m.) **Motion by Jacalone, seconded by Bryant, to adopt Resolution No. 2004-186.** Discussion ensued and **the motion carried 4/1, with Meiszer dissenting.**

RESOLUTION NO. 2004-186

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE FEASIBILITY STUDY AND MANAGEMENT PLAN AS PREPARED BY THE ARMY CORP OF ENGINEERS FOR THE CRITICALLY ERODED NORTH BEACH AND SUMMERHAVEN BEACHES, ALSO AUTHORIZING PARTICIPATION IN THE LOCAL COST SHARING BUDGET PLAN WITH THE ARMY CORP OF ENGINEERS AS INDICATED IN THE FEASIBILITY STUDY-MANAGEMENT PLAN

(07/20/04 - 5 - 9:39 a.m.)

3. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE ROAD IMPACT FEE CREDIT AGREEMENT WITH HERITAGE PARK OF ST. AUGUSTINE, LLC, IN THE AMOUNT OF \$390,000 AND TO ACCEPT A WARRANTY DEED CONVEYING ADDITIONAL RIGHT-OF-WAY

Nicole Cubbedge, Planner III, explained the purpose of this item, which was to approve a Road Impact Fee Agreement for the conveyance of right-of-way and drainage along

Woodlawn Road, and displayed an aerial map of the property to be conveyed, Exhibit A.

(9:43 a.m.) Louise Thrower, 288 Orange Ave., displayed various documents from the agenda packet, Exhibit B, and stated that she had problems with some of the support documents.

(9:45 a.m.) Bryant questioned at what stage would an appraisal of the property be done, before or after improvements. Bosanko responded before it was improved; discussion followed. (9:47 a.m.) Allen Mac Donald, Finance Director, entered the meeting. (9:47 a.m.) Maryann Blount, Real Estate Manager, explained how appraisals were done, how the price per acre was calculated, and how environmental assessments were handled.

(9:52 a.m.) Motion by Jacalone, seconded by Maguire, carried 5/0, to adopt Resolution No. 2004-187, authorizing the County Administrator to execute the Road Impact Fee Credit Agreement with Heritage Park of St. Augustine, LLC, in the amount of \$390,000, and accept the warranty deed conveying additional right-of-way.

RESOLUTION NO. 2004-187

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE AGREEMENT WITH HERITAGE PARK OF ST. AUGUSTINE

(07/20/04 - 6 - 9:53 a.m.)

4. CONSIDER A REQUEST FOR QUALIFICATIONS - RFQ NO. 04-84, PROFESSIONAL DESIGN SERVICES FOR CONSTRUCTION OF THE GROWTH MANAGEMENT SERVICE CENTER, FACILITIES MAINTENANCE DEPARTMENT BUILDING, AND UTILITY DEPARTMENT HEADQUARTERS BUILDING

Stern explained that this item was continued from last week's meeting. Jacalone stated that after reviewing the responses that were submitted, he could easily see that everyone who responded was qualified. He apologized if he gave the impression that the rankers were not doing a good job. He stated further that the Board should not just make these decision based solely on Staff's recommendations, and that Staff should never give the impression that someone has been selected until it has been authorized by the Board. Jacalone gave his rankings: No. 1, PQH; No. 2, CRG; No.3, Dixon; and Junck and Walker, No. 4.

(9:57 a.m.) Maguire addressed the process by which these decisions were made. He stated that he had three concerns regarding how the rankings were done: that the rankings were done solely on the package; that the wealth should be spread around, to favor local organizations; and the weighing system.

(10:00 a.m.) Joe Burch, Purchasing Manager, explained that the weighing system used was the one that was approved by the Board, and that the Board could change the system if it chose to do so. He also stated that the evaluators were chosen based on their experience and qualifications. Maguire said that he would like to have the process reviewed.

(10:02 a.m.) Meiszer questioned who appointed the evaluators and he suggested that the process by which the evaluators were chosen be reviewed as well. He stated that he

would like to see presentations by the applicants, after Staff determined whether or not the applicants were qualified. (10:10 a.m.) Jacalone suggested that the Board be kept apprised with a summary sheet, which would include specific information. Burch said that could be done. He agreed that the ranking procedures needed to be reviewed.

(10:15 a.m.) **Motion by Jacalone, seconded by Bryant, to accept the rankings as they were previously presented, and move forward with these projects.** Discussion followed on how the rankings were done for this RFQ and Stern asked that Adams schedule a workshop to examine the ranking process.

(10:20 a.m.) Mary Kohnke, 29 S. Roscoe Blvd., stated that the reason for using the RFQ system was to remove the politics from the process.

(10:24 a.m.) Burch clarified the intent of the motion made by Jacalone and Hunt suggested an amendment to the motion. **Jacalone amended his motion to state: "to accept the recommended rankings and enter into negotiations with the recommended firms." The motion carried 4/1, with Maguire opposed.**

The meeting recessed at 10:28 a.m. and resumed at 10:39 a.m., with Hunt no longer in attendance.

(07/20/04 – 7- 10:39 a.m.)

5. DISCUSSION AND AFFIRMATION REGARDING THE FINAL LIST OF CAPITAL IMPROVEMENT PROJECTS FOR SALES TAX REVENUE BONDS

Maryann Blount, Real Estate Manager, explained that there would be an agenda item next week for a \$41 million bond issue, and that the project list was being presented today for the Board's consideration.

(10:40 a.m.) Jacalone asked for a little more detail on each project, and Stern and Meiszer agreed that would be beneficial. Blount said that she could give the Board conceptual site plans, using aerial photographs.

(10:44 a.m.) Bosanko reminded the Board that the bond issuance hearing would be held next week. He stated that there would be a summary of each project in the bond documents. He also reminded the Board that there was a procedure that would allow the list to be amended in the future. Jacalone stated that he supported the list in its current form, but would still like a little more detail on the specific projects. Meiszer questioned the funding proposed for the acquisition of the Cornerstone ball fields, with discussion following.

(10:53 a.m.) Mary Kohnke, 29 S. Roscoe Blvd., compared the items to be financed by the bond funds versus items on the County's CIP list.

(10:55 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., stated that he had a lot of problems with the list in that need, criteria, cost estimates and operating expenses had not been established. He suggested removing the Ponte Vedra Annex project from the list.

(11:00 a.m.) Bruce Lucker, 545 Granada Terrace, Ponte Vedra Beach, spoke in support of the funding in the bond issue for the amphitheater.

(11:02 a.m.) Louise Thrower, 288 Orange Ave., addressed the aesthetics of the County's entrance points along State Road 13 and A1A. She also commented on the bond funds proposed for the northwest portion of the county, illustrated by Exhibit A. Bryant reviewed the future parklands and recreational facilities proposed for the northwest

area of the county. Discussion followed on the Board's vision for recreation in the northwest area; the fact that the bond issue would not effect anyone's taxes; operating expenses for the proposed projects; whether some of the expenses should be classified as capital improvements; and ownership of the fields at Landrum School. **Stern affirmed that the Board was satisfied with the list.**

(07/20/04 - 8 - 11:23 a.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer addressed the vacant position of Budget Management Director, and questioned if an appointment to that position would be approved by the County Commission. Adams confirmed that it would. He asked if that practice would also be applied to the Assistant County Administrator position. Adams passed out a memorandum outlining the changes to, and replacements for, that position.

(11:30 a.m.)

Commissioner Maguire:

Maguire addressed the plan to change the Commission's meetings to Wednesday, stating that he had sent out a memo addressing his concern of timely new reporting in the Ponte Vedra area. Stern informed Maguire that Mr. Adams planned to add Internet connections for the press in the auditorium. Stern explained that the Board planned to readdress the Wednesday schedule at the end of the year, to see how it was working out for everyone.

(11:39 a.m.)

Commissioner Stern:

Stern reported that Mr. Hunt was working on a package regarding the Matanzas walkover, which he would present later in the afternoon.

(11:39 a.m.)

Commissioner Jacalone:

Jacalone requested a progress report on the Impact Fee Schedule Study that the Board had requested. Scott Clem, Growth Management Director, stated that he was expecting the study to be concluded around the late part of August.

(11:40 a.m.)

Commissioner Bryant:

No report.

(07/20/04 - 8 - 11:40 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reported that there would be a joint BCC/School Board meeting next Wednesday, July 28th, at 9:00 a.m., at the School Board building on Orange Street.

(07/20/04 - 8 - 11:40 a.m.)
COUNTY ATTORNEY'S REPORT

Bosanko announced that the County was informed of two major successes in the legal arena: first, in the NAMI case, the Federal Appellate Court ruled 3/0 in the County's favor; and second, a ruling was received from the Department of Community Affairs, in the buffer case, in favor of the County.

(11:44 a.m.) Jacalone asked Adams to include the school concurrency issue as a topic for the joint meeting.

(07/20/04 - 9 - 11:46 a.m.)
CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:46 a.m. and resumed at 1:34 p.m. with all five Commissioners, Michael Hunt, Deputy Attorney, Adams and Diane Gorski, Clerk's Office present.

(07/20/04 - 9 - 1:34 p.m.)

6. CONSIDERATION TO OFFER ECONOMIC DEVELOPMENT INCENTIVES TO
TARANTIN TANK & EQUIPMENT COMPANY

Karen Johnson, Intergovernmental Relations Specialist, explained that Tarantin was a wholesale distributor of new empty gas equipment that is sold to the natural gas and propane industries. She stated that they qualified for expedited permitting and economic development grant equal to four years of ad valorem tax and four years of tangible personal property tax and 100% reimbursement of water and sewer unit connection fees. She said that water and sewer services were not available at this time but that it was anticipated that these services would be provided sometime in the future. She explained that Tarantin had received points for being a targeted industry, the size of the work force, the wage rate being above average for the county and for locating in an underdeveloped area. She stated that the total grant had been calculated to be \$17,089.00 and mentioned that if the motion were adopted to grant Tarantin Tank and Equipment Company incentives that they would work with the attorney's office to create an agreement based on today's discussion. (1:36 p.m.) Jacalone asked how many points were normally awarded to targeted industry and Johnson responded that the maximum amount of for a state targeted industry would be two points and a County targeted industry would be one point and that it depended on the calculations. Jacalone asked for additional salary information. Johnson responded that they had provided the average salary and that the ordinance did not require additional information. Jacalone questioned the need to waive connection fees with no connections available and stated that this request could be dealt with when the services became available. Johnson asked Hunt if a contingency clause could be added in the agreement and Hunt replied that it could. He stated that there was a certain set of performance criteria that assured that additional monies could not be received unless the applicant validated their average salary and explained that the Board could include a contingent plan in the economic development agreement to give the applicant between two to four years to receive water and sewer services. (1:41 p.m.) Maguire asked for clarification on the proposed number of local hires. (1:42 p.m.) The applicant, Thomas Tarantin, stated that one employee would be brought in from outside and all others would be hired within St. Johns County. (1:43 p.m.) Jacalone clarified that this would be a distribution facility only and Johnson concurred. He asked that more information on the eligibility for incentives request and that proof of salaries be provided. (1:47 p.m.) Hunt explained the current salary information requirements of the ordinance and stated that the board had the ability to change the ordinance and that the board could amend the request to waive the unit connection fees by determining a time frame and/or making provisions for an extension of the request within the economic development agreement. (1:48 p.m.) Stern asked if denial of the waiver of connection fees would stop the project from going forward and Tarantin answered that it would not. Discussion ensued. (1:51 p.m.) **Motion by Jacalone, seconded by Bryant, to adopt the attached incentive calculation of \$16324.00 and instruct the attorney's office to prepare an agreement, that amount being ad valorem tax relief and not water and sewer connection fee relief.** Tarantin thanked the County

for all of its help and participation and stated that the Tarantin Company was happy to be a part of the community. (1:56 p.m.) **The motion carried with a vote of 5/0.**

(07/20/04 - 10 - 1:56 p.m.)

7. PUBLIC HEARING - REZ 2004-16 TARANTIN TANK & EQUIPMENT COMPANY - THIS IS A REQUEST TO REZONE 7.0 ACRES FROM COMMERCIAL GENERAL (CG) TO INDUSTRIAL WAREHOUSE (IW) IN ORDER TO ALLOW A PROPOSED DISTRIBUTION FACILITY. THE SUBJECT PARCEL IS LOCATED ON THE NORTH SIDE OF S.R. 206, APPROXIMATELY ¼ MILE EAST OF S.R. 207 IN THE HASTINGS AREA. THE EXISTING INDUSTRIAL USE, WHICH HAS BEEN IN OPERATION FOR OVER FORTY YEARS MANUFACTURES, ASSEMBLES AND DISTRIBUTES FIBERGLASS AND PLASTIC PRODUCTS. THE INDUSTRIAL ZONING DESIGNATION WILL ALLOW A NEW COMPANY, TARANTIN TANK AND EQUIPMENT COMPANY TO RENOVATE THE EXISTING BUILDING FOR USE AS A NATURAL GAS (EMPTY) AND PROPANE EQUIPMENT DISTRIBUTION CENTER; TO REPLACE THE EXISTING MODULAR UNIT FOR AN OFFICE AND TO CONSTRUCT A LOADING DOCK AND ADD SOME OUTSIDE STORAGE

Proof of publication of the Notice of Public Hearing on REZ 04-16 Tarantin Tank was received, having been published in *The St. Augustine Record* on June 14, 2004.

Janis Fleet, 4041 Sunbeam Road reviewed the request and mentioned that adoption of the rezoning request would correct a zoning inconsistency in the area. (1:57 p.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to enact Ordinance 2004-57, known as REZ 2004-16 Tarantin Tank & Equipment Company, adopting Findings of Fact.**

ORDINANCE NO. 2004-57

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

(07/20/04 - 10 - 1:58 p.m.)

8. PUBLIC HEARING - NZVAR 2004-03 BLACK FOREST STABLES - THIS REQUEST IS A NON-ZONING VARIANCE TO SECTION 7.00.02(B) OF THE LAND DEVELOPMENT CODE, WHICH ALLOWS ONLY ONE SIGN IN, OR, OPEN RURAL, ZONING DISTRICT, MAXIMUM SIZE OF 32 SQ. FT. AND 10 FT. HIGH. THE APPLICANT, MR. KARL GIEBMANS, BLACK FOREST STABLES, REQUESTS TWO SIGNS, SEVEN SQUARE FEET EACH, AT THE ENTRANCE TO AN EQUESTRIAN FACILITY LOCATED AT 8000 U.S. #1 SOUTH. THE SIGNS ARE MOUNTED ON AN EXISTING BRICK ENTRANCEWAY, ONE FACING NORTH AND ONE FACING SOUTH. IN ADDITION TO THE REQUIREMENTS FOR A REQUEST FOR NON-ZONING VARIANCE FINDINGS, THE APPLICANT MUST PROVE THAT THE MESSAGE WOULD NOT BE EFFECTIVELY VIEWABLE FROM THE NEAREST ROAD AND THE BOARD SHALL CONSIDER: (1) THE DISTANCE OF THE SIGN FROM THE ROAD, AND (2) THE SPEED LIMIT ON THE ROAD, AND

- (3) THE VISIBLE IMPACT OF THE SIGN FROM THE NEAREST ROAD, AND
- (4) THE INTEGRATION OF SIGNS INTO THE ARCHITECTURE OF THE BUILDING (OR STRUCTURE)

Rosemary Yeoman, Zoning Manager reviewed the request. (1:59 p.m.) Meiszer requested clarification of the type of sign and Yeoman responded. Maguire asked for clarification on the sign requirements and Yeoman responded. (2:01 p.m.) Jacalone questioned a miscellaneous designation on future land use map and Bishop explained that GIS Staff was working to remove that designation. (2:02 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to approve ZNVZAR 2004-03, Black Forest Stables, allowing two signs in OR zoning district, 8000 U.S. #1 South, finding the request to be in compliance with the Land Development Code Section 7.00.02 B and 10.04.03.**

(07/20/04 -11 - 2:03 p.m.

- 9. PUBLIC HEARING - MAJMOD 2004-12 CLIMATE MASTERS PUD - THIS IS A REQUEST TO MODIFY THE PSD TO REFLECT A 1,600 SQUARE FOOT ADDITION TO THE WEST END OF AN EXISTING WAREHOUSE AND TO REZONE THE PSD TO PUD. THIS REQUEST IS A MAJOR MODIFICATION BECAUSE IT REQUIRES THE REAR SETBACK TO BE REDUCED BY MORE THAN 10% TO ACCOMMODATE THE BUILDING EXPANSION. THE CURRENT PSD REQUIRES A 50-FOOT REAR SETBACK AND THE REQUEST IS FOR A 10-FOOT REAR SETBACK, WHICH WILL BE LANDSCAPED. NO OTHER CHANGES ARE PROPOSED. THIS MODIFICATION HAS BEEN REVIEWED FOR COMPLIANCE WITH ARTICLE XI (CONCURRENCY) OF THE LAND DEVELOPMENT CODE AS A SMALL PROJECT ESTIMATED TO GENERATE LESS THAN 4 AVERAGE WEEKDAY PEAK HOUR TRIPS BASED ON AN ADDITIONAL 1,600 SQ. FT. OF WAREHOUSING SPACE AND THIS MODIFICATION DOES NOT AFFECT THE EXISTING CONCURRENCY CERTIFICATE. NO FURTHER CONCURRENCY REVIEW IS REQUIRED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 7 TO 0 AT THEIR JUNE 3, 2004 MEETING

Proof of publication of the Notice of Public Hearing on MAJ 04-12 Climate Masters was received, having been published in *The St. Augustine Record* on July 2, 2004.

Bruce Ford, Chief Planner, asked the Board to hear this item later. (2:19 p.m.) Stern recalled this item. Ford distributed Exhibit "A", the site plan with the Master Development plan formatting.

Ed Paucek, 970 Irma Way, explained the request for increased square footage and that stated that the Planning and Zoning Agency had approved the request unanimously.

(2:21 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance 2004-59, known as MAJMOD 2004-12 Climate Masters PUD adopting Findings of Fact to support the motion.**

ORDINANCE NO. 2004-59

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

(07/20/04 - 12 - 2:04 p.m.)

10. PUBLIC HEARING - MAJMOD 2004-13 SOUTHWOOD PUD - SOUTHWOOD PUD IS MIXED USE PROJECT APPROVED FOR 320 SINGLE-FAMILY HOMES, 120 MULTI-FAMILY UNITS AND 100,000 S.F OF COMMERCIAL RETAIL AND OFFICE USES. ALL INFRASTRUCTURE HAS BEEN CONSTRUCTED THROUGH PHASE 1B AND THE APPLICANT IS REQUESTING A SHIFT OF TEN (10) UNITS REMAINING IN PHASE III INTO PHASE IV AND TO EXTEND THE COMMENCEMENT AND COMPLETION DATES AS FOLLOWS FOR REMAINING PHASES: PHASE 1B - COMMENCE BY 1996 AND COMPLETE WITHIN 10 YEARS. PHASE 1C - COMMENCE BY 1998 AND COMPLETE WITHIN 10 YEARS. PHASE II - COMMENCE BY 2005 AND COMPLETE BY 2008. PHASE III - COMMENCE BY 2007 AND COMPLETE BY 2010. PHASE IV - COMMENCE BY 2009 AND COMPLETE BY 2012. FINAL CERTIFICATE OF CONCURRENCY 96-CD-01 FOR PHASE 1 CONSISTING OF 207 SINGLE FAMILY UNITS AND 100,000 SQ. FT. OF COMMERCIAL, AND FCOC 99-CD-01 FOR PHASES 2, 3 AND 4 CONSISTING OF 120 MULTI-FAMILY UNITS (PHASE 2), 88 SINGLE FAMILY UNITS (PHASE 3) AND 25 SINGLE FAMILY UNITS (PHASE 4) REMAINS VALID. THE PLANNING AND ZONING AGENCY HEARD THIS REQUEST AT THEIR JULY 15, 2004 MEETING

Proof of publication of the Notice of Public Hearing on MAJ 04-13 Southwood PUD, was received, having been published in *The St. Augustine Record* on June 25, 2004.

Bruce Ford, Chief Planner stated that the Planning and Zoning Agency voted 4/3 to approve the request on July 15, 2004. (2:04 p.m.) Jacalone asked for clarification on the MOD request. Ford explained that the applicant was requesting changes in the commencement and completion dates of the remaining phases. Discussion regarding the phasing and date extensions ensued. (2:12 p.m.) Karen Taylor, 3070 Harbor Drive, reviewed the request and mentioned that parking spaces would be added near the tennis courts once they were completed and stated that Phase II would have its own recreation and parking area. Discussion ensued. (2:18 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2004-58, known as MAJMOD 2004-13 Southwood PUD adopting findings contained in the package 1-6 to support the motion.**

ORDINANCE NO. 2004-58

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE SOUTHWOOD PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 88-34, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(2:22 p.m.) Meeting recessed and was reconvened at 2:25 p.m.

(07/20/04 - 12 - 2:25 p.m.)

- 10a. INTERLOCAL AGREEMENT BETWEEN THE CITY OF ST. AUGUSTINE AND ST. JOHNS COUNTY TO ADMINISTER CERTAIN PORTIONS OF, AND PERFORM CERTAIN TASKS UNDER, THOSE FLORIDA BUILDING CODES THAT THE CITY OF ST. AUGUSTINE HAS ADOPTED.

Dan Bosanko, County Attorney explained that the contract and resolution had been rescinded because the City of St. Augustine had already contracted with the City of St. Augustine Beach for their emergency services request and that there was no need for the board to take action. He explained that most of the agreements had incorrect code references, citations and other problems and needed to be rewritten. Discussion ensued. (2:34 p.m.) Bosanko asked the Board to direct the Law Office to update the outdated agreements so that the County could terminate the old agreements and negotiate the new ones with all of the municipalities. (2:36 p.m.) Stern directed the County Attorney to take necessary steps to correct deficiencies in current Interlocal Agreements and terminate the old agreements and bring back before the BCC for consideration.

(2:37 p.m.) Stern provided everyone with a draft copy of the Matanzas Beach Walkover letter and photographs of the area to the Congressman Mica requesting a waiver of the ADA requirement for discussion. (2:38 p.m.) Discussion ensued. The board agreed that more accurate photographs needed to be submitted with the letter to Congressman Mica. Stern and Hunt agreed to modify the letter and attachments.

(2:43 p.m.) Bosanko mentioned that there were still seats available for County Employees for the Jacksonville Suns baseball game on August 6, 2004 and invited the County Officials to attend.

(2:44 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0 to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 2:44 p.m.

REPORTS:

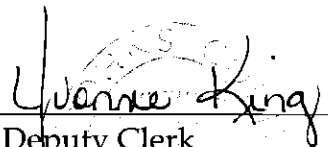
1. St. Johns County Board of County Commissioners Check Register, Check No. 354275 through 354298, totaling \$29,207.99 (07/08/04)
2. St. Johns County Board of County Commissioners Check Register, Check No. 354299 through 354620, totaling \$2,824,764.93 (07/13/04)

Approved August 11, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk