

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JULY 27, 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  
Daniel Bosanko, County Attorney  
Yvonne King, Deputy Clerk

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

(07/27/04 - 1 - 9:05 a.m.)  
CALL TO ORDER

Chair Stern called the meeting to order.

(07/27/04 - 1 - 9:06 a.m.)  
The Invocation was given by Maguire, and the Pledge of Allegiance was led by Jacalone.

(07/27/04 - 1 - 9:07 a.m.)  
ROLL CALL

Stern announced that all commissioners were in attendance.

(07/27/04 - 1 - 9:07 a.m.)  
PROCLAMATION DESIGNATING AUGUST 2004 AS FIRST COAST READS MONTH

Stern read the proclamation designating August 2004 as "First Coast Reads" Month and presented it to Mary Jane Little, Library Director. Little made comments regarding "First Coast Reads" month; then, presented a basket of items to the Commission.

(9:13 a.m.) Adams presented a certificate of appreciation to Sol Hirsch, Assistant Library Services Director, in recognition and appreciation for his services to St. Johns County.

(9:14 a.m.) Mary Jane Little, Library Director, introduced the new Assistant Library Director, Betty Ann Fredrick, who is currently the branch manager at the Ponte Vedra Beach branch. She will assume duties of the Assistant Library Director on August 23, 2004.

(9:16 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to accept the proclamation designating August 2004 as "First Coast Reads" Month.**

(07/27/04 - 2 - 9:17 a.m.)

PUBLIC COMMENTS

Louise Thrower, 288 Orange Avenue, Fruit Cove, addressed a newspaper article regarding comments made by her in a newspaper regarding the bond projects. (Exhibit A)

(07/27/04 - 2 - 9:21 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested Item #4 be removed from the Consent Agenda and added to the Regular Agenda. Maguire requested Item #2 be removed from the Consent Agenda and added to the Regular Agenda as Item A1. Adams requested Items #17 and #18 be removed from the Consent Agenda and added to the Regular Agenda as items #18a and #18b.

(07/27/04 - 2 - 9:23 a.m.)

APPROVAL OF CONSENT AGENDA

**Motion by Bryant, seconded by Maguire, carried 5/0, to approve the Consent Agenda, as amended, as follows:**

1. Approval of the Cash Requirement Report
2. Minutes:  
07/13/04 - BCC Regular Agenda

*(This agenda item was removed from the Consent Agenda as Item #2 and moved to the Regular Agenda as Item #A1; see page 6.)*

3. Motion to award Bid 04-75, Replacement of Winifred Masters Road Bridge over Moccasin Branch and Cowpen Branch Road Bridge over Tributary to Deep Creek, to the low bidder, Hal Jones Contractor, Inc. in the amount of \$1,582,700.00 (*Exhibit A*)
4. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contracts with the top three firms: Phillips & Jordon, Inc.; Ashbrite, Inc.; and D & J Enterprises, Inc for RFP No. 04-79, Request for Proposals, Debris Management & Disaster Related Services. If agreements cannot be reached with the recommended firms, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until agreements are reached with three firms

*(This agenda item was removed from the Consent Agenda as Item #4 and moved to the Regular Agenda as Item #18a; see page 20.)*

5. Motion to authorize the County Administrator, or his designee, to enter into a contract with CLEARWIRE, in accordance with the provisions of RFP 04-91, Lease of Space at the 179' Level on the Communications Tower in Ponte Vedra
6. Motion to adopt **Resolution No. 2004-188** approving a final plat for South Hampton Unit 4C

**ST. JOHNS COUNTY  
BID TABULATION**



07/27/04  
Consent #3

**BID TITLE** REPLACEMENT OF BRIDGES AT WINIFRED MASTERS ROAD & COWPEN BRANCH ROAD

**BID NUMBER** BID NO. 04-75

**OPENING DATE/TIME** July 14, 2004, 3:00 P.M.

**POSTING TIME/DATE** FROM 07/14/04 4:00 PM UNTIL 07/19/04 4:00 PM

**ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.**

**OPENED BY** LEIGH DANIELS

**TABULATED BY** SARAH BARNETT

**VERIFIED BY**

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	BASE BID PRICE FOR WINIFRED MASTERS BRIDGE	ALTERNATE BID #1 FOR COWPEN BRANCH BRIDGE	TOTAL BID AMOUNT	Addendum #1 Acknowledged	BID BOND
BGCO, INC.	\$1,156,000.00	\$604,000.00	\$1,760,000.00	YES	YES
HAL JONES CONTRACTOR, INC.	\$885,800.00	\$696,900.00	\$1,582,700.00	YES	YES
SUPERIOR CONSTRUCTION COMPANY, INC.	\$990,000.00	\$840,000.00	\$1,830,000.00	YES	YES

BID AWARD DATE - \_\_\_\_\_

Exhibit "A"

**RESOLUTION NO. 2004-188**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR SOUTH HAMPTON UNIT 4-C**

7. Motion to adopt **Resolution No. 2004-189** approving a final Plat for Found Forest Replat at Marsh Landing

**RESOLUTION NO. 2004-189**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR FOUND FOREST AT MARSH LANDING REPLAT**

8. Motion to adopt **Resolution No. 2004-190** approving an exchange of real property pursuant to Section 125.37, Florida Statutes, to provide for additional wetland mitigation opportunities for St. Johns County within St. Johns River Water Management District Mitigation Basin 4 and authorizing the release of mineral reservations in the County Deed

**RESOLUTION NO. 2004-190**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, TO PROVIDE FOR ADDITIONAL WETLAND MITIGATION OPPORTUNITIES FOR ST. JOHNS COUNTY WITHIN ST. JOHNS RIVER WATER MANAGEMENT DISTRICT MITIGATION BASIN 4 AND AUTHORIZING THE RELEASE OF MINERAL RESERVATIONS IN THE COUNTY DEED**

9. Motion to adopt **Resolution No. 2004-191** accepting the County Administrator to execute the Lease Agreement on behalf of the County between Coastal Atlantic Commercial Properties, L.L.C., and a Florida limited liability company for rental space for Guardian Ad Litem and staff

**RESOLUTION NO. 2004-191**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE COUNTY BETWEEN COASTAL ATLANTIC COMMERCIAL PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY FOR RENTAL SPACE FOR GUARDIAN AD LITEM AND STAFF**

10. Motion to adopt **Resolution No. 2004-192** approving the terms and authorizing the County Administrator to execute a Temporary Access Easement from St.

Johns County to BDI of Ponte Vedra, Inc., for construction of a right-of-way to Cypress Lakes Phase 5

**RESOLUTION NO. 2004-192**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TEMPORARY ACCESS EASEMENT FOR CONSTRUCTION OF A RIGHT OF WAY TO CYPRESS LAKES PHASE 5**

11. Motion to approve a \$1200 settlement payment that would bring a timely and economic resolution to EEOC Charge 150-2004-02106
12. Motion to adopt **Resolution No. 2004-193** accepting the terms of a Business Associate Agreement between the Child Guidance Center and St. Johns County, and authorizing the County Administrator to execute the Agreement on behalf of St. Johns County

**RESOLUTION NO. 2004-193**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING THE TERMS OF THE BUSINESS ASSOCIATE AGREEMENT BETWEEN THE CHILD GUIDANCE CENTER AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

13. Motion to adopt **Resolution No. 2004-194** accepting the terms of the Contract between the County and Dr. Steven P. Dingfelder & Associates for therapeutic services to children and families of St. Johns County, and authorizing the County Administrator to execute the Agreement on behalf of the County

**RESOLUTION NO. 2004-194**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE CONTRACT WITH DR. STEVEN P. DINGFELDER & ASSOCIATES**

14. Motion to adopt **Resolution No. 2004-195** accepting the terms of the Contract between the County and Flagler Hospital for psychiatric unit services and authorizing the County Administrator to execute the Agreement on behalf of the County

**RESOLUTION NO. 2004-195**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE CONTRACT WITH FLAGLER HOSPITAL**

15. Motion to adopt **Resolution No. 2004-196** recognizing unanticipated revenue in the amount of \$16,993.93 and increasing the expenditure budget of the Law Enforcement Trust Fund (#1105-1194-56400) in the same amount

**RESOLUTION NO. 2004-196**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2004 LAW ENFORCEMENT TRUST FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY SHERIFF**

16. Motion to adopt **Resolution No. 2004-197** approving the terms, provisions, conditions, and requirements of a Florida Recreation Development Assistance Program (FRDAP) Grant for construction of improvements to Vaill Point Park, and authorizing the County Administrator, and County Attorney (or designee) to execute the Agreement (substantially similar to that attached hereto and incorporated herein by reference) on behalf of the County

**RESOLUTION NO. 2004-197**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT FOR CONSTRUCTION OF IMPROVEMENTS TO VAILL POINT PARK, AND AUTHORIZING THE COUNTY ADMINISTRATOR, AND THE COUNTY ATTORNEY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

17. Motion to adopt a resolution 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 (similar to that attached hereto and incorporated herein by reference) on behalf of the County

*(This agenda item was removed from the Consent Agenda as Item #17 and moved to the Regular Agenda as Item #18b; see page 21.)*

18. Motion to establish August 25, 2004 at 1:30 p.m. as a public hearing date to consider amendments to the Land Development Code

*(This agenda item was removed from the Consent Agenda as Item #18 and moved to the Regular Agenda as Item #18c; see page 22.)*

(07/27/04 - 5 - 9:23 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions, nor deletions to the Regular Agenda.

(07/27/04 - 5 - 9:23 a.m.)

APPROVAL OF REGULAR AGENDA

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

(07/27/04 - 6 - 9:23 a.m.)

A1. APPROVAL OF BCC REGULAR AGENDA MINUTES OF JULY 13, 2004

Maguire requested a clarification in the minutes on page 13, in the 1<sup>st</sup> paragraph. He requested that *"emergency vehicle access points be pre-designated"* instead of *"emergency vehicles being pre-designated."* (9:24 a.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to approve the Minutes, as corrected.**

(07/27/04 - 6 - 9:24 a.m.)

1. PRESENTATION OF THE FLORIDA DEPARTMENT OF TRANSPORTATION'S CURRENT ADOPTED FIVE-YEAR WORK PROGRAM

James Bennett, FDOT, gave a presentation providing information on the FDOT's current adopted five-year work program. He pointed out several projects that had changed from the tentative list that was presented in February: maintenance activities on I-95 from Flagler County line to Duval County line; new road construction on the SR 312 extension, from SR 207 to US 1 North; the money for the Bridge of Lions project will be awarded this month; and the SR 207 Bike Path from Putnam County Line to I-95. (9:35 a.m.) Bennett informed the Board that he had received a request from the Scenic Historic A1A Corridor Management Council to provide landscaping around two bridges at a cost of up to \$25,000. Bennett said he would provide the Board with additional information regarding this landscaping project. Bennett then answered questions regarding the work program.

(07/27/04 - 6 - 9:37 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF THE COUNTY'S SALES TAX REVENUE BONDS, SERIES 2004A AND SERIES 2004B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$41,505,000

Bosanko informed the Board that Agenda Items #2 and #3 are directly connected and could be discussed together. He then informed them that on Item #3 they would be acting as the CRA.

(9:40 a.m.) Stern called the Joint Meeting of the Board of County Commissioners and the Community Redevelopment Agency to order.

(9:43 a.m.) Jay Glover, Public Financial Management, County Financial Advisor, reviewed the bond series. Discussion followed regarding the interest cost. (9:46 a.m.) Irv Weinstein, Rogers Towers Lawfirm, 1301 Riverplace Boulevard, Jacksonville, Bond Counsel, reviewed the proposed resolution. (9:52 a.m.) Glover then entertained questions from the Board.

(9:55 a.m.) The Joint Meeting of the BCC and the CRA recessed, and the BCC Meeting reconvened.

(9:55 a.m.) **Motion by Meiszer, seconded by Bryant, carried 5/0, to adopt Resolution No. 2004-198 authorizing the issuance of the County's Sales Tax Revenue Bonds, Series 2004A and Series 2004B, in an aggregate principal amount not exceeding \$41,505,000.**

RESOLUTION NO. 2004-198

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING RESOLUTION NO. 89-143 OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ADOPTED JUNE 27, 1989 AND TITLED: "RESOLUTION FURTHER SUPPLEMENTING RESOLUTION NO. 86-132 ADOPTED SEPTEMBER 30, 1986, AS PREVIOUSLY SUPPLEMENTED AND AMENDED; PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND ERECTION OF NEW COURTHOUSE FACILITIES FOR ST. JOHNS COUNTY, FLORIDA; AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$24,000,000 PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 1989, TO FINANCE THE COST THEREOF; PLEDGING THE LOCAL GOVERNMENT HALF-CENT SALES TAX TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS; ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDERS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE"; FURTHER SUPPLEMENTING RESOLUTION NO. 86-132 OF ST. JOHNS COUNTY, FLORIDA, ADOPTED SEPTEMBER 30, 1986, AS PREVIOUSLY AMENDED AND SUPPLEMENTED; PROVIDING FOR THE ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL PROJECTS; AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$43,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2004A AND SERIES 2004B, TO FINANCE CERTAIN CAPITAL PROJECTS; PLEDGING THE LOCAL GOVERNMENT HALF-CENT SALES TAX TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID SERIES 2004 BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID SERIES 2004 BONDS; ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDERS OF SAID SERIES 2004 BONDS; ACCEPTING THE INSURER'S COMMITMENTS RELATING TO A BOND INSURANCE POLICY AND A RESERVE INSTRUMENT WITH RESPECT TO SAID SERIES 2004 BONDS; AUTHORIZING A NEGOTIATED SALE AND AWARD OF THE SALE OF SAID SERIES 2004 BONDS, APPROVING THE CONDITIONS AND CRITERIA FOR SUCH SALE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT WITH RESPECT TO SAID SERIES 2004 BONDS; APPROVING A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO SAID SERIES 2004 BONDS AND AUTHORIZING A FINAL OFFICIAL STATEMENT WITH RESPECT THERETO; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE;



**APPOINTING THE REGISTRAR AND PAYING AGENT FOR SAID SERIES 2004 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY AND ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING AN EFFECTIVE DATE**

(9:57 a.m.) The BCC meeting recessed and the CRA reconvened.

(07/27/04 - 8 - 9:57 a.m.)

3. CONSIDER MOTION TO ADOPT A RESOLUTION OF THE ST. JOHNS COUNTY REDEVELOPMENT AGENCY AUTHORIZING THE VILANO BEACH REDEVELOPMENT PROJECT AND AUTHORIZING AN INTERLOCAL AGREEMENT WITH ST. JOHNS COUNTY IN CONNECTION WITH THE ISSUANCE OF THE COUNTY'S SALES TAX REVENUE BONDS, SERIES 2004B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$6,500,000

Proof of publication of the Notice of Public Hearing regarding the redevelopment of the Vilano Beach CRA was received, having been published in *The St. Augustine Record* on July 20, 2004.

**Motion by Bryant, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2004-1 of the St. Johns County Redevelopment Agency authorizing the Vilano Beach Redevelopment project and authorizing an interlocal agreement with St. Johns County in connection with the issuance of the County's Sales Tax Revenue Bonds, Series 2004B, in an aggregate principal amount not exceeding \$5,615,000.**

**RESOLUTION NO. 2004-1**

**A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE UNDERTAKING OF A PROJECT FOR THE REDEVELOPMENT OF THE VILANO BEACH COMMUNITY REDEVELOPMENT AREA; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL REIMBURSEMENT AGREEMENT WITH ST. JOHNS COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

(9:59 a.m.) The CRA meeting recessed and the BCC meeting reconvened.

(07/27/04 - 8 - 9:59 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE BY THE BREVARD COUNTY HOUSING FINANCE AUTHORITY OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS AND APPROVING THE OPERATION OF THE BREVARD COUNTY HOUSING FINANCE AUTHORITY IN THE TERRITORIAL BOUNDARIES OF ST. JOHNS COUNTY IN CONNECTION THEREWITH

(10:00 a.m.) Jean Mangu, Special Counsel, explained that the resolution would approve the issuance of the Brevard County Housing Finance Authority bond issue and allowing the proceeds to be used in St. Johns County. (10:02 a.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to adopt Resolution No. 2004-199 approving the issuance by the Brevard County Housing Finance Authority of its single family**

mortgage revenue bonds and approving the operation of the Brevard County Housing Finance Authority in the territorial boundaries of St. Johns County in connection therewith.

RESOLUTION NO. 2004-199

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF BREVARD COUNTY OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS TO PROVIDE FUNDS TO FINANCE THE PURCHASE OF SINGLE FAMILY RESIDENCES IN ST. JOHNS COUNTY AND VARIOUS OTHER COUNTIES WITHIN THE STATE OF FLORIDA; APPROVING THE OPERATION OF THE HOUSING FINANCE AUTHORITY OF BREVARD COUNTY IN THE TERRITORIAL BOUNDARIES OF ST. JOHNS COUNTY IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

(07/27/04 - 9 - 10:04 a.m.)

5. DISCUSSION AND POSSIBLE STAFF DIRECTION CONCERNING THE SHIFT OF STATE DEPARTMENT OF JUVENILE JUSTICE OPERATION COSTS TO COUNTY GOVERNMENT

Bosanko reviewed the request from the Florida Association of Counties that St. Johns County assist in litigation that is proposed to file against the State of Florida regarding the cost shift by the State to the counties for the operation of the Juvenile Justice centers. The FACC has requested the County to: 1) support the litigation; 2) join in the litigation as a plaintiff; or 3) pay a voluntary assessment of \$983 to support the FAC in costs of the litigation. Discussion followed regarding the three options. (10:08 a.m.) **Motion by Jacalone, seconded by Maguire, to draft a letter in support of the lawsuit.** Discussion followed on the level of support. (10:11 a.m.) **Motion amended by Jacalone, to pay the voluntary assessment of \$983 to support FAC in costs of the lawsuit.** Maguire agreed to the amended motion. (10:15 a.m.) **The motion, as amended, carried 5/0.**

(07/27/04 - 9 - 10:15 a.m.)

6. CONSIDER MOTION TO AUTHORIZE THE COMPLETION AND EXECUTION OF THE FY 2005 FORM DR-420'S BY THE COUNTY ADMINISTRATOR AND THE ESTABLISHMENT OF SEPTEMBER 8, 2004 AT 5:30 P.M. IN THE COUNTY AUDITORIUM AS THE FIRST PUBLIC HEARING FOR THE ADOPTION OF THE FISCAL YEAR 2005 ANNUAL BUDGET

Doug Timms, Interim Budget Director, reviewed the proposed millage rates for FY 2005. Timms then informed the Board of the decrease in the aggregate millage rate of 1.4%; the decrease in the countywide rate, and an increase in the fire district of 6.7%. Timms requested the first public hearing to adopt the budget be set for September 22, 2004 at 5:30 p.m. Discussion followed regarding the fire district millage rate and the aggregate millage rate. (10:27 a.m.) Jacalone left the meeting. (10:28 a.m.) **Motion by Meiszer, seconded by Maguire, carried 4/0 with Jacalone absent, to set the first public hearing on September 22, 2004 at 5:30 p.m. in the County Auditorium for the adoption of the Fiscal Year 2005 Annual Budget.** (10:29 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Jacalone absent, to authorize the completion and execution of the FY 2005 form DR-420's by the County Administrator, which sets the millage rates as presented by Doug Timms.**

The meeting recessed at 10:30 a.m. and reconvened at 10:43 a.m. Jacalone returned to the meeting at this time.

(07/27/04 - 10 - 10:43 a.m.)

7. CONSIDER MOTION TO AUTHORIZE STAFF TO SCHEDULE PRODUCT DEMONSTRATIONS AND MOVE FORWARD WITH EVALUATING AND RECOMMENDATION OF SELECTION FOR PURCHASE OF UTILITY BILLING SOFTWARE

Joe Burch, County Purchasing Manager, reviewed the status of this project. Discussion followed regarding the rating. (10:46 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to authorize staff to schedule product demonstrations and move forward with evaluating and recommendation selection for purchase of Utility Billing software.**

(07/27/04 - 10 - 10:47 a.m.)

8. PRESENTATION OF THE PROPOSED ADDITIONAL SOLID WASTE TRANSFER STATION AND REQUEST TO SUBMIT AN EXCHANGE AGREEMENT WITH THE STATE OF FLORIDA FOR ADDITIONAL PROPERTY ON STRATTON ROAD

John Schwab, Special Project Manager, made a presentation of an additional proposed solid waste transfer station site. (10:55 a.m.) **Motion by Maguire, seconded by Bryant, to approve the County submitting an Exchange Agreement Internal Improvement Fund of the State of Florida for 14 +/- acres of property located on Stratton Road.** Discussion followed regarding the new site. (10:57 a.m.) **The motion carried 5/0.** (10:59 a.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to approve Staff to prepare a request for proposals from qualified engineering firms to develop the required documents to develop the solid waste transfer station facility.**

(07/27/04 - 10 - 11:00 a.m.)

9. CONSIDER REQUEST FOR CLARIFICATION ON PROPOSED AMENDMENT TO ARTICLE III OF THE LDC PERTAINING TO THE NUMBER OF HISTORIC RESOURCE REVIEW BOARD MEMBERS

Donna Godfrey, Planning Division, requested the Board to clarify the Historic Review Board's membership criteria. Discussion followed regarding the membership. (11:02 a.m.) Nancy Sikes Kline, 15 Merrill Avenue, Chairman of the Historic Resource Review Board, requested the Board to expand the membership. (11:04 a.m.) **Motion by Maguire, seconded by Meiszer, to increase the membership on the Historic Resource Review Board from seven to nine.** Discussion followed. (11:06 a.m.) **The motion carried 5/0.**

(07/27/04 - 10 - 11:07 a.m.)

10. CONSIDER APPOINTMENTS TO THE WATER & SEWER AUTHORITY

Melissa Lundquist, Administrative Coordinator, explained that there was a vacancy due to the resignation of a member and the other is due to the expiration of a member's term, which is scheduled to expire on July 24, 2004. (11:10 a.m.) **Motion by Bryant, seconded by Meiszer, to appoint Victor Martinelli to the Water & Sewer Authority for another term for a full four-year term scheduled to expire July 24, 2008.** Discussion followed regarding the emails received regarding this appointment. (11:11 a.m.) **Motion by Maguire, seconded by Jacalone, to appoint Moreau Estes to the Water & Sewer Authority for a partial term scheduled to expire March 13, 2005.**

(11:12 a.m.) Warren Rauhofer, 159 S. Roscoe Blvd., Ponte Vedra Beach, commented in support of Martinelli being reappointed to the Water & Sewer Authority.

(11:14 a.m.) Victor Martinelli, 24 Carriage Lane, Ponte Vedra Beach, read his comments into the record regarding his candidacy for the Water & Sewer Authority.

(11:17 a.m.) Walter Rohrer, 2315 Clubview Court, commented in support of Martinelli being reappointed to the Water & Sewer Authority.

(11:20 a.m.) Clara Cowan, President of Seaside Homeowners Association, commented in support of Martinelli being reappointed to the Water & Sewer Authority.

(11:21 a.m.) Discussion continued regarding emails received regarding this appointment. (11:26 a.m.) **The motion to appoint Moreau Estates carried 5/0.** (11:26 a.m.) **The motion to appoint Victor Martinelli carried 5/0.**

(07/27/04 - 11 - 11:26 a.m.)

#### 11. CONSIDER APPOINTMENTS TO THE CODE ENFORCEMENT BOARD

Melissa Lundquist, Administrative Coordinator, informed the Board of the four vacancies on the Code Enforcement Board. (11:33 a.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to appoint Lisa Wolff and James Miller to the Code Enforcement Board as regular members for a three-year term scheduled to expire July 27, 2007.** (11:33 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to appoint Eugene Israel and Joan Mitchell to the Code Enforcement Board as alternate members for a one-year term scheduled to expire July 27, 2005.**

(07/27/04 - 11 - 11:34 a.m.)

#### COMMISSIONERS' REPORTS

##### Commissioner Meiszer:

Meiszer said he was confronted by a resident regarding the residue left by firework displays. (11:36 a.m.) *It was the consensus of the Board to direct the County Administrator to evaluate this issue and make some recommendations on controlling fireworks displayed by private individuals.* Adams said he would bring this issue back to the Board on August 25, 2004.

(11:37 a.m.)

##### Commissioner Maguire:

Maguire said there would be a visitor to view the proposed national cemetery sites in this area on Thursday and Friday, July 29<sup>th</sup> and 30<sup>th</sup>.

(11:37 a.m.) Maguire requested a presentation be placed on the agenda regarding purview of the Water & Sewer Authority regarding rates.

(11:38 a.m.)

##### Commissioner Stern:

Stern relayed a request from the Supervisor of Elections for a county commissioner to serve on the Canvassing Board. None of the commissioners were eligible to serve on the Canvassing Board due to each of them being an active participant in a campaign or candidacy of a candidate who has opposition in the election being canvassed.

(11:41 a.m.) Stern addressed the email she received from a constituent in the Ponte Vedra Beach area regarding the need for beach parking. Stern then requested staff

provide an update at a future meeting on what steps were being taken regarding beach parking.

(11:42 a.m.) Stern relayed that Congressman Mica has requested appropriations in the amount of \$500,000 for College Park Drainage Project in the West Augustine area.

(11:42 a.m.)

Commissioner Jacalone:

Jacalone informed the Board of a letter he received from the St. Augustine Ocean and Racquet Club requesting reimbursement for damages from a project done by the County. (11:43 a.m.) Bosanko said he also received the letter and would be addressing it.

(11:43 a.m.)

Commissioner Bryant:

Bryant addressed the redevelopment of the main street in Vilano Beach.

(07/27/04 - 12 - 11:44 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board of the joint meeting of the BCC and the School Board to be held at the School Board building on Orange Street on Wednesday, July 28, 2004 at 9:00 a.m.

(11:44 a.m.) Adams requested the Board's consensus on the staff reorganization as a result of the retirement of David Halstead. (11:46 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to accept the reorganization schedule as presented by Mr. Adams.**

(07/27/04 - 12 - 11:46 a.m.)

COUNTY ATTORNEY'S REPORT

Bosanko addressed the NAMI case; said he received a call from one of the attorneys representing one of the parties that sued the county informing him that they are considering asking for a rehearing. Bosanko then informed the Board that NAMI sent a message that it would not file a motion for rehearing if the county would agree to drop the claim for court costs in the case. Discussion followed regarding the court costs request being dropped. (11:53 a.m.) Bosanko said he would relay that the County would not waive the court costs at this time, but if they wish to make a written proposal to be brought to the Board that it would be reconsidered.

(07/27/04 - 12 - 11:53 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:54 a.m. and resumed at 1:30 p.m. with Stern, Meiszer, Bryant, Laura Barrow, Assistant County Attorney, Adams, and Diane Gorski, Deputy Clerk, present.

(07/27/04 - 12 - 1:30 p.m.)

12. PUBLIC HEARING - OAKLEY HOUSE WAIVER REQUEST FOR BALD EAGLE NEST SJ-023 - APPLICANT SEEKS A WAIVER TO SECTIONS 4.01.10 B, C AND

D, OF THE LAND DEVELOPMENT CODE (LDC), HABITAT MANAGEMENT FOR THE BALD EAGLE, FOR NEST SJ-023, FOR A SINGLE LOT LOCATED AT 8211 FOREST COURT, IN ST. JOHNS COUNTY

Jan Brewer, Environmental Planner, reviewed the waiver request. (1:32 p.m.) Maguire entered the meeting. (1:36 p.m.) Bryant asked for clarification regarding the taking of private property, and whether or not the Oakley's would be able to sue the County if the request were denied. Barrow reviewed previous cases and recommended taking into consideration that this was a single lot that had been zoned residential. (1:39 p.m.) Jacalone entered the meeting. (1:40 p.m.) Discussion regarding the nesting habits of the bald eagle, and the consequences of taking private property, ensued. (1:48 p.m.) Dan Bosanko, County Attorney, explained that the Board could offer a waiver to the regulation, with certain conditions, such as: limited and appropriate use of the property that would prevent a taking claim against the County. (1:49 p.m.) Jacalone requested clarification on a staff text reference to the 1.4 acre lot lying entirely within the protected area and Brewer answered that an insignificant portion of the lot was outside the protected area. Jacalone stated that the USFWS recommended maintaining a buffer of 300 feet from the home that would be constructed, and that no construction occur during the nesting season, and supported the waiver request with these recommendations and Stern concurred. (1:54 p.m.) Jacalone mentioned that the USFWS would be removing the bald eagle from the endangered species list and Brewer stated that she was awaiting notification.

(1:54 p.m.) Deanne Oakley, property owner, requested that the Board grant the waiver.

(1:55 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the Audubon Society of St. Johns County, expressed his concerns with regard to disturbing eagle nesting areas. He asked the Commission to approve the waiver, and requested that the property owner build their home as far away from the nesting area as possible, not disturb the planted end of the property, any more than necessary, leaving as many trees in the area as possible so that the eagles had a place to roost. (2:00 p.m.) **Motion by Jacalone, seconded by Stern, to approve the waiver to Sections 4.01.10 B, C and D, for the lot located at 8211 Forest Court, and requiring compliance with the USFWS letter, dated June 15, 2004.** Meiszer and Maguire requested that the motion include the directive that the home be built 550 feet from the eagle's nest. Jacalone stated that the motion did not need to include the 550-foot restriction, as the home was already being built outside the USFWS recommended area. Stern reviewed the recommendations of the property owner's legal council. A discussion regarding the distance of the home from the eagle's nest, and the time constraints on construction, to preserve the area during the nesting season ensued. **The motion carried 3/2, with Meiszer and Maguire objecting at 2:04 p.m.**

(07/27/04 - 13 - 2:05 p.m.)

13. PUBLIC HEARING - NZVAR 2004-001, CONRAD FAMILY DIVISION - THE APPLICANTS, WILLIAM E. CONRAD, JR., AND HIS WIFE, BARBARA, ARE OWNERS OF A 12.5 ACRE PARCEL OF LAND (140890-0000), WHICH IS ZONED OR. THE APPLICANTS DESIRE TO DIVIDE THE PARCEL INTO THREE LOTS, ACCESSED BY EXTENSION OF AN EXISTING (30) THIRTY-FOOT WIDE EASEMENT ALONG THE WESTERN EDGE OF THE NEW LOTS. THE APPLICANTS HAVE INDICATED A DESIRE TO DEED TWO OF THE THREE LOTS TO FAMILY MEMBERS, HOLDING THE THIRD FOR FUTURE USE. THE APPLICANTS ARE SEEKING A VARIANCE FROM SECTION 6.04.07.B OF THE LAND DEVELOPMENT CODE, WHICH REQUIRES AN ACCESS EASEMENT OF SIXTY FEET (60), WHEN SERVICING MORE THAN TWO DWELLING UNITS. THE PROPOSED ROADWAY WOULD CONSIST

OF TWO, TEN (10) FOOT WIDE, PAVED LANES. THE APPLICANTS DESIRE TO ACCESS THE NEW LOTS VIA A SINGLE LANE, UN-IMPROVED ROADWAY ON A 30' EASEMENT

Richard Tomich, Development Review Chief Engineer, reviewed the variance request and explained the addition of a maintenance agreement and hold harmless agreement. (2:07 p.m.) Maguire mentioned that Moultrie Trace was located on one side of the property; Tomich concurred and stated that on the other side of the railroad was Wildwood Estates. Maguire clarified that the drainage issues could be resolved and Tomich concurred. (2:11 p.m.) Jacalone asked if the easement abutted all of the applicant's property and Tomich stated that it did. (2:12 p.m.) Meiszer referenced an email he had received from an adjacent property owner opposed to this request. (2:15 p.m.) Bosanko stated that the complainant was an adjoining property owner and not a property owner on the road. He said that all of the property owners on the road were in favor of the agreement. (2:16 p.m.) Doug Burnett, Rogers, Towers, 170 Malaga Street, addressed the Board, on behalf of the applicant, reviewed the request, addressed the issues within the staff report, mentioned that the property owners were all family members, and that they were all in favor of the request. He stated that the maintenance agreement was an easement, and was a recorded document. He stated the easement contained the restricted deed covenant with the maintenance requirement that Staff had requested. He explained that this road was not County property, and that any property owners present, or future, would be required to maintain it. (2:21 p.m.) Tomich requested that Staff be allowed to address the drainage issues to ensure access by safety vehicles. (2:22 p.m.) Jacalone stated that the drainage issues would be addressed when the applicants sought their building permits. (2:25 p.m.) **Motion by Jacalone, seconded by Maguire, to approve NZVAR 2004-001, based upon the evidence provided for all of the five Findings of Fact, and with Staff approval of the improvements of the existing roadway. Barrow requested that the Maintenance Easement Agreement and Restrictive Deed Covenant, entered into by all of the property owners, be made a part of the motion, to show that the document had been recorded and does run with title to the land.** (2:26 p.m.) Jacalone stated that he would include that provision in the motion.

(2:27 p.m.) Richard Jenson, 4237 Wicks Branch Road, spoke in opposition to the variance.

(2:28 p.m.) Melissa Lundquist, 4620 Carter Road, spoke in favor of the applicant's request.

(2:33 p.m.) Charles Rocker, 4252 Wicks Branch Road, spoke in opposition to the request.

(2:35 p.m.) Maguire asked Burnett why the road could not be located further away from adjacent property and discussion ensued.

(2:43 p.m.) Lunquist stated that she preferred the property owners be given the variance so that future development would not be an issue. She explained that the applicants had been clearing the property, but had left a small buffer near the railroad tracks and stated that she approved of the current design.

(2:45 p.m.) Rocker stated that the property had just recently been cleared and that the road had not always been there.

(2:45 p.m.) **The motion, clarified by Jacalone, seconded by Maguire, carried 5/0, to approve NZVAR 2004-001, based upon the evidence provided for all of the five Findings of Fact, and with Staff approval of the improvements of the existing**

roadway, including the Maintenance Easement Agreement and Restrictive Deed Covenant, entered into by all of the property owners, be made a part of the motion to show that the document had been recorded and does run with title to the land.

(07/27/04 - 15 -2:46 p.m.)

14. PUBLIC HEARING - PRD 2003-02, LAS CALINAS - THE SUBJECT PROPERTY CONSISTS OF APPROXIMATELY 1859.55 ACRES, LOCATED AT 8380 US 1 NORTH. THE APPLICANT IS REQUESTING A ZONING CHANGE FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD), TO ALLOW FOR THE DEVELOPMENT OF 368 SINGLE FAMILY RESIDENTIAL UNITS, AND ASSOCIATED RECREATIONAL FACILITIES, AND 19,000 SF OF NEIGHBORHOOD COMMERCIAL USES. THE PROJECT WILL CONTAIN 185.96 ACRES OF DEVELOPMENT AREA AND 1673.59 ACRES OF RESERVE AREA. WETLAND ACREAGE COMPRISES 759.79 ACRES OF THE DEVELOPMENT. THE DEVELOPMENT WILL BE KNOWN AS LAS CALINAS PLANNED RURAL DEVELOPMENT. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM AT THEIR JUNE 17, 2004, PUBLIC HEARING AND RECOMMENDED APPROVAL, WITHOUT THE REQUESTED WAIVER #1 WITH A VOTE OF 6-0. SUBSEQUENT TO THE PUBLIC HEARING, THE DEVELOPER HAS DELETED THE WAIVER ORIGINALLY NUMBERED AS 1

Proof of publication for the Las Calinas PRD public hearing was received, having been published in *The St. Augustine Record* on July 7, 2004.

Nicole Cubbedge, AICP, Planner III, requested that the Board include the revised Master Development Plan and the revised Ordinance, which had been provided to the Commissioners in the red folders prior to the meeting, if a motion was made.

(2:48 p.m.) John Metcalf, 245 Riverside Avenue, reviewed the PRD and the zoning request and summarized the proposed development and recreational facilities. He stated that some of the buffers were in excess of the County's requirements. He mentioned that the property was located between the Palencia DRI, the Kensington PUD and the Nocatee DRI. (2:51 p.m.) Meiszer asked if work had begun on the project and Metcalf stated that it had not, but that the Kensington PUD had begun. (2:52 p.m.) Stern clarified that there was connectivity with Kensington, Palencia and Nocatee. (2:53 p.m.) Jacalone requested that the waiver requests be clarified. Metcalf stated that there was a waiver request to allow the applicant to accelerate the Phase II residential because the code would require that 50% of Phase I be completed before Phase II was started and the applicant wanted to do both phases at the same time. Jacalone clarified that the applicant was also requesting a waiver for a setback reduction to fifteen feet, while maintaining the buffer area. Metcalf concurred and explained that the setback would pertain to thirty-nine specific lots. (2:56 p.m.) **Motion by Jacalone, seconded by Stern, to enact Ordinance No. 2004-60, known as PRD 2003-02 Las Calinas, adopting Findings contained within the packet to support that motion, 1 through 5, and granting the requested two waivers to the LDC.**

(2:56 p.m.) Maguire declared ex parte communication with Metcalf, and stated that he was pleased that the plan included a recreational facility and two wildlife crossings and that he supported the project. (3:00 p.m.) Stern concurred and declared ex parte communication with Metcalf. **Cubbedge requested that Jacalone consider adding to the motion the change to the Ordinance and Master Development Plan and Jacalone agreed.** (3:00 p.m.) **Motion clarified by Jacalone, seconded by Stern, to enact Ordinance No. 2004-60, known as PRD 2003-02 Las Calinas, adopting Findings contained within the packet to support that motion, 1 through 5, and granting the**



requested two waivers to the LDC and the revised ordinance and revision to the Master Development Plan, carried 5/0 at 3:01.

**ORDINANCE NO. 2004-60**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PRD (PLANNED RURAL DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

The meeting recessed at 3:01 p.m. and reconvened at 3:14 p.m., with Maguire absent.

(07/27/04 - 16 -3:14 p.m.)

15. PUBLIC HEARING - REZ 2004-03, SEA PINES II - THIS IS A REQUEST TO REZONE 7.3 ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-2), IN ORDER TO CONSTRUCT UP TO TEN (10) SINGLE FAMILY RESIDENCES. THE PARCEL IS LOCATED ON THE NORTH SIDE OF SR 206, AND IMMEDIATELY EAST OF THE ENTRANCE TO SEA PINES III SUBDIVISION. A PRELIMINARY SITE PLAN HAS BEEN PROVIDED, WHICH PROPOSES ONE ACCESS ON LONGLEAF DRIVE, WHICH IS THE ENTRANCE ROAD FOR SEA PINES III. A LARGE CONTIGUOUS WETLAND ON THE EAST SIDE OF THE PROJECT WILL BE PRESERVED AND WILL ACT AS A BUFFER TO HIDDEN CREEK SUBDIVISION ON THE EAST. ST. JOHNS COUNTY UTILITIES WILL PROVIDE THE PARCEL WITH CENTRAL WATER AND SEWER. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR JUNE 17, 2004, MEETING

Karen Taylor, 3070 Harbor Drive, reviewed the rezoning request. (3:16 p.m.) She explained that the original ordinance for Sea Pines had been a mitigated agreement, and that it was approximately a six page conditional ordinance. Jacalone clarified that the zoning was RS-2; Taylor concurred and added that it was RS-2, with conditions adjacent to it. Jacalone clarified that this was a straight rezoning to RS-2 request and Taylor concurred. (3:17 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0, with Maguire absent, to enact Ordinance No. 2004- 61, known as REZ 2004-03 Sea Pines II, adopting Findings of Fact to support the motion.**

**ORDINANCE NO. 2004-61**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO SINGLE FAMILY RESIDENTIAL (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(07/27/04 - 16 -3:17 p.m.)

16. PUBLIC HEARING - REZ 2004-11, MATTRESS LINK - THIS REQUEST SEEKS TO REZONE 1.316 ACRES FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW), IN ORDER TO DEVELOP THE SITE WITH A 15,000 SQUARE FOOT FURNITURE STORE (MATTRESS STORE). THE PARCEL IS LOCATED ON THE EAST SIDE OF U.S. 1 NORTH, AT ST. AUGUSTINE ROAD,

AND IS IN THE MIXED USE LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. CENTRAL WATER AND SEWER IS AVAILABLE AND THE CITY OF ST. AUGUSTINE HAS CONFIRMED THAT THEY CAN PROVIDE THESE SERVICES. ADJACENT ZONINGS ARE CG TO THE NORTH, IW TO THE SOUTH AND SOUTHEAST, AND RS-3 TO THE NORTHEAST. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR JUNE 17, 2004, MEETING

Bruce Ford, Chief Planner, explained that the ordinance had been revised to reflect new ownership of the property.

(3:18 p.m.) Gary Davenport, 3266 Pacetti Road, reviewed the applicant's rezoning request, and explained that a larger storage area was required. He stated that the applicant had met approval of the PZA, and that water and sewer services were available. (3:19 p.m.) Jacalone asked Staff what segments were studied in the concurrency review for this project and Ford stated that the link on US 1 had been studied and that a concurrency certificate had been issued, as a minor project, for a 15,000 square foot furniture store. Jacalone asked for clarification of a minor project in relation to the concurrency process. (3:20 p.m.) Teresa Bishop, Planning Manager, explained that minor reviews were projects that generated between four and forty peak hour trips, and are done through an administrative review. Jacalone clarified that Staff had determined the trips. (3:21 p.m.) Davenport explained that Staff had found that as a furniture store it would generate three new peak hour trips. (3:22 p.m.) Jacalone asked how retail could be done with an IW zoning and Davenport explained that the primary use of the property would be storage and the secondary use would be retail. Bishop stated that it could be considered an accessory, but that the primary purpose would be storage or distribution. (3:23 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0, with Maguire absent, to enact Ordinance No. 2004-62, known as REZ 2004-11 Mattress Link, adopting Findings of Fact to support the motion.**

#### ORDINANCE NO. 2004-62

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

(07/27/04 - 17 -3:24 p.m.)

17. PUBLIC HEARING - PUD 2004-09, VILLAGES OF SELOY - THIS REQUEST SEEKS TO REZONE 67.2 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW THE DEVELOPMENT OF A 240 UNIT CONDOMINIUM COMPLEX WITH ASSOCIATED RECREATIONAL AMENITIES. THE PROJECT WILL BE MARKETED SPECIFICALLY FOR SENIORS. THE SUBJECT PROPERTY IS SITUATED ON THE NORTH SIDE OF SR 16, MIDWAY BETWEEN I-95 ON THE WEST AND US 1 ON THE EAST. THE CITY OF ST. AUGUSTINE WILL PROVIDE CENTRAL WATER AND SEWER SERVICE. SIDEWALKS WILL BE PROVIDED ALONG THE MAIN ENTRANCE ROAD AS WELL AS ADJACENT TO INTERNAL DRIVES AND CONDOMINIUM UNITS. THE PUD PROVIDES FOR 2.94 ACRES OF ACTIVE RECREATION AREA, WHICH WILL INCLUDE A CLUBHOUSE WITH A POOL, AND HIKING AND BIKING TRAILS WILL

ALSO BE PROVIDED. THE PUD WILL ALSO HAVE 18.2 ACRES (27%) OF OPEN SPACE CONSISTING OF 10.2 ACRES OF PRESERVED UPLANDS AND 8 ACRES OF PRESERVED WETLANDS, WHICH MEETS THE MINIMUM 25%, REQUIRED. THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL-C-MAINLAND (6 UNITS PER ACRE) AND THE PUD HAS A NET DENSITY OF 4.05 UNITS PER ACRE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 15, 2004 HEARING BY A VOTE OF 6/1 WITH THE CONDITION THAT THE WAIVER TO SHOW TEMPORARY USES ON THE CONSTRUCTION PLANS BE PULLED (NOT REQUIRED NOW) AND THE WAIVER TO INCLUDE HIKING AND BIKING TRAILS AS ACTIVE RECREATION ALSO BE PULLED AND THE MDP TEXT AND MAP BE AMENDED TO INCREASE ACTIVE RECREATION LANDS FROM LESS THAN 1 ACRE TO A NEW TOTAL 2.94 ACRES. THE APPLICANTS HAVE REVISED THEIR APPLICATION TO COMPLY WITH THESE REQUESTED CHANGES.

Anthony Robbins, 13901 Sutton Park Drive South, stated that he was available to answer any questions the Board might have. (3:24 p.m.) Jacalone questioned Staff about the concurrency issues. He asked if there had been a development agreement involved and Bishop answered that there had been sufficient capacity for this project. Bishop asked for a moment to get the certificate of concurrency file for review. (3:25 p.m.) Stern stated that the project had been marketed specifically for seniors and that the subject property is situated on the north side of SR 16 midway between I-95 on the west and US 1 on the east. (3:25 p.m.) Robbins explained that the original application was for Senior Adult Condominiums and that Staff had made a change in the type so that a condominium would not necessarily be age specific. (3:26 p.m.) Jacalone questioned areas above capacity in the study and Robbins answered that Staff would need to address that issue. Stern stated that the PZA had recommended approval of the request with a condition that a waiver to show temporary uses on the construction plans be pulled and that the waiver including hiking and biking trails as active recreation also be pulled. Robbins explained that the target market was seniors and retirees and that the recreation component for this market would be hiking and biking and trails. (3:27 p.m.) Maguire entered to the meeting. Stern asked for clarification of the plan. Robbins explained the changes in the application. Robbins stated that the applicant had removed all of the waiver requests. (3:29 p.m.) Jacalone verified that there were no waiver requests and Robbins concurred. Ford explained that the information was contained in the package in the Staff report but that it was not contained in the ordinance. He asked Bishop to review the capacity issues and to clarify how concurrency had been met. Bishop reviewed the segments and stated that twenty-nine segments had been studied and two segments were deficient, but this project did not impact them. (3:34 p.m.) **Motion by Jacalone, second by Bryant, carried 5/0, to enact Ordinance No. 2004-63, known as PUD 2004-09 Villages of Seloy PUD, adopting Findings of Fact to support the motion.**

#### ORDINANCE NO. 2004-63

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

(07/27/04 - 19 -3:35p.m.)

18. PUBLIC HEARING - ORDINANCE CREATING THE RIGHT-OF-WAY MUNICIPAL SERVICE BENEFIT UNIT PROGRAM FOR DEERWOOD LANE, BAYFOREST ROAD, PORTER ROAD, EVERITT ROAD, OFF NORTH FRANCIS, RUES LANDING, AND HIDDEN OAKS PLACE - THIS IS A NEW ORDINANCE AUTHORIZING THE CREATION OF RIGHT-OF-WAY MUNICIPAL SERVICE BENEFIT UNITS (MSBU). THESE NEW MSBUS WILL FUND CAPITAL IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE COUNTY TO BE PAID FOR BY NON-AD VALOREM ASSESSMENTS COLLECTED FROM THE BENEFITING AREAS. THESE MSBUS WILL TRANSITION SUBSTANDARD PRIVATE ROADS TO COUNTY OWNED AND MAINTAINED ROADS THAT MEET COUNTY STANDARDS. THE ROADS WILL BE PAVED USING DIRT ROAD IMPROVEMENT PROGRAM STANDARDS, WHERE APPLICABLE. THE NEW ORDINANCE WILL PROVIDE AN ALTERNATIVE TO THE CURRENT MSBU ORDINANCE, 96-53, WHICH WAS USED TO IMPROVE AND MAINTAIN PRIVATE DIRT ROADS FOR A TEN TO FIFTEEN YEAR PERIOD. THERE ARE SEVEN ROADS ALREADY QUEUED WHICH HAD BEGUN THE 96-53 MSBU PROCESS AND ARE NOW INTERESTED IN THE UPCOMING MSBU PROGRAM. NOTICE OF PUBLIC HEARING REQUIREMENTS HAS BEEN MET BY PUBLICATION IN THE ST. AUGUSTINE RECORD ON JUNE 15, 22, 29 AND JULY 6.

Damon Douglas, MSBU Coordinator, reviewed the proposed new Right-of-Way Municipal Service Benefit Unit (MSBU) Ordinance. (3:37 p.m.) Meiszer requested clarification on the Right-of-Way MSBU. He asked how many MSBUs would be created. Douglas explained that this would be an umbrella ordinance that would allow staff to bring future MSBUs to the Board in the future. Meiszer asked how a MSBU transitioned a substandard road to a county road. (3:39 p.m.) Isabelle Lopez explained that Staff was trying to streamline the process for private roads to transition into public roads legally. She explained that the homeowners would be assessed for the first time costs of bringing the roads up to public standards. Lopez explained that this was an attempt to simplify the process, set up an ordinance that creates a structure and that each MSBU road request would be brought to the board as a site-specific resolution under this ordinance. Meiszer clarified that the property owner would not be assessed for maintenance and Lopez concurred. (3:41 p.m.) Jacalone clarified that the ordinance would allow existing unopened right-of-way to be opened. Lopez stated that the concept was to bring the roads up to county standards and the homeowners would be assessed for the cost. (3:44 p.m.) Joe Stephenson, Public Works Director, explained that there were many private opened roads throughout the county. and said that this procedure would assist existing private dirt roads to be brought up to standard. Jacalone clarified that this ordinance method and procedure would be used to address the handling of dirt roads. He asked how platted, unopened, existing rights-of-ways would be addressed. Stephenson explained that platted and unopened roads would be handled differently and out of necessity because the Water Management District (WMD) would have to issue a Section D permit to allow the paving of existing dirt. The control would be that the WMD issued a permit that says the road has been opened. Jacalone clarified that if a road were unopened the road would need to meet the WMD standards to be permitted. Stephenson concurred and stated that there may be situations where Staff would come before the board with a MSBU request in a platted but unopened road subdivision to vary the Land Development Code (LDC) standards in specific ways. He explained that the platted and unopened rights-of-ways did not have the width that the LDC requires. (3:46 p.m.) Jacalone stated that these could be handled on a case-by-case basis.

(3:46 p.m.) Ed Paucek, 970 Irma Way, representing the residents of Vermont Heights urged the Commission to pass the ordinance. He stated that the proposed ordinance, if passed had the basis of giving the community a master plan or a vehicle to assist many residents. He summarized the history of Vermont Heights. He mentioned that the Comprehensive Plan was in conflict with Vermont Heights and that each one of the requested MSBU's, once approved, would benefit the community. He offered suggestions on policy in reference to Vermont Heights in the future. He stated that the only fault he could find regarding the ordinance pertained to the percentages referenced relating to the percentage of acceptance by the community. He stated that the acceptance should not be based on ratio but on specific need and asked the legal counsel to clarify. (3:54 p.m.) Lopez referenced Subsection C of the ordinance which gave specific numbers as recommended by staff and suggested adding an alternative Subsection D which would read "languages, notwithstanding the above criteria, the County Administrator may present to the Board of County Commissioners, a proposal for a site specific Right-of-Way Assessment Resolution, that does not strictly meet the requirements found in Subsection A and B above. In this case, specific additional findings in support of the site specific Right-of-Way Resolution shall be presented to the Board of County Commissioners for their consideration." She explained that this would be an alternative that would allow flexibility for the board. (3:56 p.m.) Meiszer stated that the Commission could form a MSBU without citizen participation. (3:57 p.m.) Stern clarified that by adding Subsection D the board would have more flexibility in overriding the specified percentages recommended by staff for MSBU acceptance and Lopez concurred. (3:59 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2004-64, creating the Right-of-Way Municipal Service Benefit Unit Program including Subsection D.**

#### ORDINANCE NO. 2004-64

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS, STATE OF FLORIDA, RELATING TO RIGHT-OF-WAY CAPITAL IMPROVEMENTS AND RELATED SERVICES PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE COUNTY; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF THE IMPROVEMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; PROVIDING FOR SERVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(07/27/04 - 20 - 4:01 p.m.)

18a. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AND ENTER INTO CONTRACTS WITH THE TOP THREE FIRMS: PHILLIPS & JORDON, INC.; ASHBRIIT, INC.; AND D & J ENTERPRISES, INC FOR RFP NO. 04-79, REQUEST FOR PROPOSALS, DEBRIS MANAGEMENT & DISASTER RELATED SERVICES. IF AGREEMENTS CANNOT BE REACHED WITH THE RECOMMENDED FIRMS, AUTHORIZATION IS REQUESTED TO TERMINATE NEGOTIATIONS AND BEGIN NEGOTIATIONS WITH THE NEXT RANKED FIRM AND CONTINUE UNTIL AGREEMENTS ARE REACHED WITH THREE FIRMS.

Meiszer asked how much money had been budgeted for this request. Joe Burch, Purchasing Manager stated that there was no funding in place. Meiszer asked how the firm would be paid. Burch explained that a master agreement would be established that would state that any work would be contingent on the funding. Meiszer questioned the negotiations and contracting with three firms. Burch explained the proposed master agreements with three firms. Meiszer stated that the firms would be pre-qualified and Burch explained the intent. Meiszer requested that this item be pulled from today's agenda and sent back to Purchasing for revisions. (4:09 p.m.) *Motion by Meiszer to direct Purchasing to rewrite the agreement, and bring it back to the Board at a later date. Motion died for lack of a second.* Discussion ensued. (4:11 p.m.) Meiszer requested that the request and process be simplified so that it would be more easily understood, requested a cost estimate and wanted to see this included in the budget. (4:12 p.m.) Ray Ashton explained the need for this agreement and the reasoning behind cost estimates being unavailable. Stern asked Burch if this item could be reviewed at a future date without consequence and Burch said that it could. She directed Burch to bring this item back to the Board with revisions.

(07/27/04 - 21 - 4:14 p.m.)

18b. MOTION TO ADOPT A RESOLUTION 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 (SIMILAR TO THAT ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE) ON BEHALF OF THE COUNTY.

Adams explained that a new resolution had been provided to the board prior to the meeting. Stern clarified that the new resolution and motion needed to be approved and Adams concurred. (4:15 p.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to adopt Resolution 2004-200 approving and adopting the St. Johns County Comprehensive Emergency Plan.**

#### RESOLUTION NO. 2004-200

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA APPROVING AND ADOPTING THE ST. JOHNS COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.**

(07/27/04 - 21 - 4:15 p.m.)

18c. MOTION TO ESTABLISH AUGUST 25, 2004 AT 1:30 P.M. AS A PUBLIC HEARING DATE TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE.

Adams explained that the time for this item needed to be changed to read 9:00 a.m. due to the change in the Board Meeting schedule beginning August 11, 2004. Discussion regarding the Board meeting schedule ensued. (4:23 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to establish August 25, 2004 @ 9:00 a.m. as a public hearing date to consider amendments to the Land Development Code.**

(4:28 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0 to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 4:28 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 354622 through 354887, totaling \$1,689,531.17 (07/20/04)
2. St. Johns County Board of County Commissioners Check Register, Check No. 354888 through 354918, totaling \$43,968.78 (07/22/04)

CORRESPONDENCE:

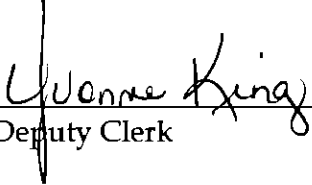
1. Letter to Ronald Zimmet, Chief Assistant Public Defender, regarding a letter written to the County Legal Department requesting no itemized billing of the initial hour per case. (07/16/04)
2. Letter to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinances Number 2004-52 through 2004-56 (07/19/04)
3. Letter to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinances Number 2004-57 through 2004-59 (07/22/04)

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