

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
AUGUST 11, 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  
                              James E. Bryant, District 5  
                              Ben W. Adams, Jr., County Administrator  
                              Dan Bosanko, County Attorney  
                              Diane Gorski, Deputy Clerk

(08/11/04 - 1 - 9:05 a.m.)

Stern called the meeting to order.

(08/11/04 -1 - 9:05 a.m.)

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

(08/11/04 - 1 - 9:06 a.m.)

ROLL CALL

Stern announced that all five Commissioners were present.

(08/11/04 - 1 - 9:06 a.m.)

**SPECIAL RECOGNITION OF KELLY DAVIDSON, SILVER MEDAL WINNER AT THE 40<sup>TH</sup> ANNUAL NATIONAL SKILLS USA CHAMPIONSHIPS**

Jenny O'Dell, Public Affairs Officer, introduced Miss Kelly Davidson, a 2003 graduate of Pedro Menendez High School and a student of the First Coast Institute's School of Culinary Arts, who had recently been awarded the silver medal at the 40<sup>th</sup> Annual Skills USA Championship. She explained that Skills USA served more than 264,000 high school students, college students, and students enrolled in technical and occupational training programs, and that their goal was to reinforce self confidence, work attitudes and communication skills. She explained that Davidson had competed in an action job skill division with over 4,000 students from every state, and had prepared a table-sized Caesar salad for three judges and that she was evaluated on presentation, audience eye contact and recipe accuracy, to which she won a silver medal. She further explained that in April, Davidson had also competed in the state competition held in Miami and had brought home the gold medal. O'Dell congratulated Davidson on her accomplishments and introduced her to the Commissioners. (9:08 a.m.) Kelly Davidson stated that she wanted to become a Master Executive Chef. Stern congratulated Davidson on her achievements and invited her to join the Commissioners so that a photograph could be taken.

(08/11/04 - 1 - 9:10 a.m.)

**PROCLAMATION DECLARING SEPTEMBER 3<sup>RD</sup> THROUGH SEPTEMBER 6<sup>TH</sup>, 2004, AS ST. JOHNS COUNTY FIRE FIGHTER APPRECIATION WEEK**

Bryant introduced Michael Dietrich and his staff.

(9:11 a.m.) Mike Dietrich, Muscular Dystrophy Association (MDA) Coordinator for St. Johns County Fire Rescue, introduced Battalion Chief Jeff Prevatt and Anthony Sutton, MDA representative. Bryant stated that the Commissioners and residents of St. Johns County were proud of the fire fighters and appreciated their hard work, support and dedication. He read the proclamation aloud and declared September 3<sup>rd</sup> through the 6<sup>th</sup> as St. Johns County Fire Fighters Appreciation Week. (9:13 a.m.) Dietrich explained that they had raised over \$21,000, so far this year, for MDA. He mentioned that they had attended summer camp with the kids, cooked meals and played with them in the pool. He announced that their fundraising goal for this year would be \$50,000. Bryant presented Mike Dietrich with the proclamation and a photograph of the group was taken.

(08/11/04 - 2 - 9:15 a.m.)

#### ACCEPTANCE OF THE PROCLAMATION

**Motion by Jacalone, seconded by Bryant, carried 5/0, to approve acceptance of the proclamation.**

(08/11/04 - 2 - 9:16 a.m.)

#### PUBLIC COMMENT

Joyce Mara, 1375 Arapaho Drive, Program Director for the Betty Griffin House, requested support from the Commission in allowing the Betty Griffin House to apply for a \$100,000 Emergency Shelter grant to complete and staff two new transitional apartment buildings. She requested the County Commissioners direct Ben Adams, County Administrator, to review the current document and to authorize this as a valid project for the Betty Griffin House in St. Johns County. Jacalone supported the request. (9:17 a.m.) **Motion by Jacalone, seconded by Maguire, to support the application for the \$100,000 Emergency Shelter grant and directing the County Administrator to sign the appropriate documents.** Meiszer asked who the grantor, in this case, would be. Mara explained that this would be federal money funneled through the Department of Children and Families. Meiszer asked if there was matching County money involved and Mara answered that there was not. **The motion carried 5/0 at 9:18 a.m.**

(9:18 a.m.) John Clegg, 827 Ponte Vedra Boulevard, commented on the FY 2005 County Budget. He stated that the County expenditures showed a lack of restraint. He stated that the population had increased 51% since 1991 and that the County Budget had increased from \$131 million to over \$350 million, or an increase of 172%. He referred to a recent issue of the *Florida Trends Magazine*, which announced that within the last four years, St. Johns County was the third highest of all Florida counties in total property tax levies, with an increase of 54.59% this year, and spoke in opposition to an increased budget for Fiscal Year 2005. He asked the Commissioners to use their red pens on many of the proposals before them, for the benefit of the taxpayers.

(08/11/04 - 2 - 9:21 a.m.)

#### DELETIONS TO CONSENT AGENDA

Meiszer requested that Consent Item #12 be transferred to the Regular Agenda as 18A. Maguire requested that Consent Item #10 be pulled and added to the Regular Agenda as Item 18B. Dan Bosanko, County Attorney, requested that Consent Item #3 be pulled from the agenda and rescheduled at a later date and Consent Item #4 be pulled and placed at the end of the Regular Agenda as Item #18C.

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

1. Approval of the Cash Requirement Report
2. Minutes:  
7/20/04 Regular Meeting  
7/22/04 Special Meeting  
7/27/04 Regular Meeting
3. Motion to adopt a Resolution approving a Final Plat for Prairie Lakes Phase 1

*This item was pulled from the Consent Agenda to be rescheduled at a later date.*

4. Motion to adopt a Resolution approving a final plat for Cypress Lakes, Unit 2-A

*This item was pulled from the Consent Agenda and added to the Regular Agenda as Item #18C.*

5. Motion to adopt **Resolution No. 2004-201**, directing the County Administrator to enter into an agreement with the Florida Ambulance Association to have their retained legal counsel represent St. Johns County in a group administrative appeal hearing, appealing First Coast Service Options ruling on the Medicare overpayment refund issue

**RESOLUTION NO. 2004-201**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DIRECTING THE COUNTY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE FLORIDA AMBULANCE ASSOCIATION TO REPRESENT THE COUNTY AT A MEDICARE ADMINISTRATIVE HEARING AND/OR ADMINISTRATIVE LAW HEARING REGARDING THE MEDICARE REFUND OF OVERPAYMENTS FROM JANUARY THROUGH SEPTEMBER, 2003**

6. Motion to adopt **Resolution No. 2004-202**, approving the refund of overpayments of co-pays caused by the Medicare overpayments of January through September 2003

**RESOLUTION NO. 2004-202**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE REFUND OF OVERPAYMENTS OF CO-PAYS CAUSED BY THE MEDICARE OVERPAYMENTS OF JANUARY THROUGH SEPTEMBER 2003**

7. Motion to adopt **Resolution No. 2004-203**, approving the transfer of \$13,878 from the (1171-36603) Contributions account, into the Fire Department Capital Equipment account (1224-56400), and to authorize expending the funds for a new thermal imager, a new stretcher, and a new fire-extinguisher training trailer

**RESOLUTION NO. 2004-203**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 FIRE DISTRICT FUND REVENUE BUDGET TO RECEIVE UNANTICIPATED REVENUE FROM DONATIONS AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE SERVICES DEPARTMENT**

8. Motion to adopt **Resolution No. 2004-204**, recognizing unanticipated revenue in the amount of \$2,250 (0001-33430) and increasing the expenditure budget of the Planning Department (0018-55305) by the same amount

**RESOLUTION NO. 2004-204**

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

9. Motion to adopt **Resolution No. 2004-205**, approving the EDA Contract with Tarantin Tank and Equipment Company and authorize the County Administrator to execute the contract on behalf of the County

**RESOLUTION NO. 2004-205**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ECONOMIC DEVELOPMENT AGENCY CONTRACT WITH TARANTIN TANK AND EQUIPMENT COMPANY ON BEHALF OF ST. JOHNS COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE**

10. Motion to approve the transfer of \$500,000 from the CTF Capital Outlay Reserve (1131-59927) to Capital Projects - Local Road (1114-56310) for the construction of a roadway and associated drainage facilities within the World Commerce Center

*This item was removed from the Consent Agenda and added to the Regular Agenda as Item #18B.*

11. Motion to approve the transfer of \$125,000 from Utility Reserves (4426 - 59920) to the Water Transmission & Distribution Department to cover expenditures through the end of Fiscal Year 2004; specifically, \$15,000 to Contractual Services (4413-53120); \$10,000 to Other Maintenance (4413-54603); and \$100,000 to Operating Supplies (4413 - 55200)
12. Motion to approve an Interlocal Agreement between the Industrial Development Authority and the County for Super Bowl related advertising and promotional

services in the amount of \$25,000, to be paid to the Tourist Development Tax Trust Account Fund 1116, line 1144-54900 during Fiscal Year 2005

13. Motion to adopt **Resolution No. 2004-206**, amending the Fiscal Year 2004 Local Housing Trust Fund Budget to receive unanticipated revenue, and authorize its expenditure by the St. Johns County State Housing Initiatives Partnership Department

**RESOLUTION NO. 2004-206**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 LOCAL HOUSING TRUST FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY STATE HOUSING INITIATIVES PARTNERSHIP DEPARTMENT**

14. Proofs:
  - a. Proof, Notice of Canceled Meeting, St. Johns County Water and Sewer Authority, Wednesday, July 7, 2004 at 9:00 am.
  - b. Proof, Notice to Bidders, Bid No: 04-75
  - c. Proof, Notice to Bidders, RFP No: 04-91
  - d. Proof, Notice to Bidders, Bid No: 04-98
  - e. Proof, Notice for application for Special Masters
  - f. Proof, Notice to Bidders, Bid No: 04-92
  - g. Proof, Notice of Canceled Meeting, St. Johns County Regular Board of County Commissioners Meeting, Tuesday, July 6, 2004 at 9:00 am.
  - h. Proof, Notice to Bidders, Bid No: 04-73
  - i. Proof, Notice of Public Hearing on Enactment of a proposed Ordinance, Tuesday June 8, 2004 at 1:30 p.m.
  - j. Proof, Notice to Bidders, Bid No: 04-90
  - k. Proof, Notice to Bidders, Bid No: 04-81
  - l. Proof, Notice of Public Hearing relating to signs, Tuesday, June 22, 2004 at 5:30 p.m.
  - m. Proof, Notice of Public Hearing to consider enactment/MSBU Ordinance, Tuesday July 27, 2004, 1:30 pm.
  - n. Proof, Notice of Public Hearing, Right-of-Way/MSBU Ordinance, Tuesday, July 27, 2004, at 1:30 pm.
  - o. Proof, Notice of Hearing, Ordinance Special Assessments, Tuesday, July 27, 2004 at 1:30 p.m.
  - p. Proof, Certificate of Liability Insurance, Prince Contracting Co., Inc.
  - q. Proof, Certificate of Liability Insurance, Weather Engineers, Inc.
  - r. Proof, Certificate of Liability Insurance, Sea Tech Marine International, Inc.
  - s. Proof, Certificate of Liability Insurance, Reynolds, Smith and Hills, Inc.
  - t. Proof, Certificate of Liability Insurance, Walter James O'Kon, Architect
  - u. Proof, Certificate of Liability Insurance, Wiring Technologies, Inc.

(08/11/04 - 5 - 9:23 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(08/11/04 - 6 - 9:23 a.m.)  
APPROVAL OF REGULAR AGENDA

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

(08/11/04 - 6 - 9:23 a.m.)

1. PUBLIC HEARING - ZONING ADMINISTRATIVE APPEAL, ZADMAPL 2004-01, U.D. FLOYD - THE REQUEST IS AN APPEAL OF THE DENIAL OF A ZONING VARIANCE FOR THE INCREASE IN ALLOWABLE WALL HEIGHT FROM 6 FEET TO 16 FEET 6 INCHES. THE PROPERTY IS LOCATED AT 7680 A1A SOUTH. ON JUNE 3, 2004 THE PLANNING AND ZONING AGENCY HEARD THE REQUEST AND DENIED THE VARIANCE, BY VIRTUE OF A MOTION TO APPROVE NOT RECEIVING A MAJORITY VOTE OF THE MEMBERS PRESENT. THE WALL PRESENTLY EXISTS AND WAS CONSTRUCTED BY THE OWNER. NO PERMITS ARE REQUIRED FOR WALL CONSTRUCTION. THE RETAINING WALL PORTION OF THE FENCE WAS INCLUDED ON THE BUILDING PERMIT ISSUED FOR THE RESIDENCE; HOWEVER THE COUNTY DID NOT INSPECT THE REMAINING PORTION OF THE WALL DURING CONSTRUCTION. AFTER COMPLETION, AND UPON A REQUEST FOR REVIEW, COUNTY STAFF MEASURED THE HEIGHT FROM THE LOWEST GRADE ALONG THE WALL AND FOUND IT TO RANGE IN HEIGHT FROM 6 FT. TO 16 FT. 6 INCHES. HEIGHT IS MEASURED FROM THE LOWEST GRADE ON EITHER SIDE OF A WALL

Proof of publication of the Notice of Public Hearing of the Zoning Administrative Appeal, ZADMAPL 2004-01, U.D. Floyd, was received, having been published in *The St. Augustine Record* on July 27, 2004.

Rosemary Yeoman, Zoning Manager, reviewed the request. (9:25 a.m.) Meiszer asked for clarification of both a fence and a wall shown in the photographs that had been provided to the Board. Yeoman answered that the wall belonged to the Floyds and the fence belonged to the Kopps. (9:26 a.m.) Maguire asked why two and one half years had passed before this was brought before the Board of County Commissioners and Yeoman responded that she did not know, but explained that once a complaint had been filed, the zoning inspectors were sent to the property and found that the wall had been built in excess of the allowable six feet. Meiszer asked if the wall served a functional purpose or was decorative in nature only. Yeoman said that according to the building permit plans that she had reviewed, a portion of the wall was a retaining wall and that the upper portion of the wall was a privacy area. (9:27 a.m.) Stern asked to hear from the applicant.

(9:28 a.m.) Russ Castlebury, pro bono Attorney for Mr. And Mrs. U.D. Floyd, explained that the wall had been constructed approximately two and one half years ago when the house had been built. He stated that the wall had been built into the structure and also acted as a retaining wall. He stated that there had been no permit required for the wall. He explained that the applicant had intended to duplicate the wall at the north side of the property that belonged to the Montgomerys. He addressed the Staff Report results. (9:38 a.m.) Bosanko stated that the lack of a permit requirement should not be used as a reason to deny a request. He explained that Staff inspections generated by complaints and were handled on a case-by-care basis. He explained that the hardship requirement related to the zoning variance stated that a hardship could not be a person or financial hardship; it needed to be related to the exceptional or unusual nature of the property. (9:42 a.m.) Discussion regarding the height of the wall, its design, and whether or not there had been drainage issues caused by wall ensued. (9:48 a.m.) Yeoman explained

that there was now a requirement that retaining walls be permitted. Jacalone asked if removal of the wall would cause a problem. (9:49 a.m.) John Williams, 112 Seychelles Court, explained that he had performed the work for Mr. Floyd and stated that if the retaining wall were removed, it would cause structural damage and asserted that removal of the wall would cause problems. (9:52 a.m.) Stern requested the complainant's attorney address the Board.

(9:52 a.m.) Robin Connor, 7 Old Mission Avenue, stated that Ernest and Jane Kopp resided adjacent to the Floyd property and that drainage issues caused by the wall were what generated this complaint. He summarized his client's request to have the wall removed. He stated that there was no permit required for a fence that would be built to code and that there was no indication that the removal of the wall would cause structural damage. He reviewed the Staff Report. (10:00 a.m.) Jacalone clarified that the wall did not extend eastward of the Floyd's house and Connor concurred. Jacalone stated that the Kopp's views of the ocean and Intracoastal had not been impaired and Connor concurred. He speculated that the Floyds had sought relief from the coastal setback line requirement and had been allowed to move their home eastward. (10:03 a.m.) Meiszer asked if the plans submitted to the Planning Department had included the wall. Stan DeAngelis, Building Official, stated that part of the wall was permitted as part of the house and that the foundation was shown on the plans with part of the wall on top of it. He said that the plan showed the wall as 5'8 " tall. (10:06 a.m.) Meiszer asked if the foundation had been inspected and DeAngelis answered that it had and that a portion of the wall had also been inspected. He explained that the retaining wall was holding the driveway and a portion of the house up. (10:07 a.m.) Bryant stated that the drainpipe coming out of the wall could be elbowed and piped westward and that the outside wall facing the Kopp's could be finished. Castlebury explained that the drainage problem had been resolved. (10:08 a.m.) Ugene Floyd, 7688 A1A South, stated that he had tried to contact the Kopp's by telephone and certified letter to see if anything could be done to appease them and resolve this issue. He stated that the Kopp's wanted the wall torn down. Floyd explained that he had offered to finish the wall facing the Kopp's and that the Kopp's declined the offer, but if the Board directed him to do so, he would finish the portion of the wall visible to the Kopp's. (10:10 a.m.) Connor asserted that the Kopp's wanted the height of the wall lessened. (10:11 a.m.) Maguire stated that he found it difficult to make a decision requiring someone to tear up something that had been in existence for over two years and preferred the option of finishing the wall facing the Kopp's. He mentioned that if the wall were not there the Kopp's would be looking at the Floyds house, which was approximately fifteen feet higher than the wall. He stated that the slope of the wall fit in nicely with the architectural design of the house. (10:13 a.m.) Bosanko suggested taking public comment before the rebuttals.

(10:16 a.m.) Steven Binenger, 114 Herons Nest Lane, stated that the wall appeared to be a retaining wall with a five or six feet section acting as a fence.

(10:18 a.m.) Stern suggested that the Floyds make the wall more attractive on the Kopp's side. She agreed with Maguire, that if the wall were not present, the Kopp's would be looking at the Floyd's house. She suggested that if the Board agreed to grant the variance, a condition requiring that the portion of the wall visible to the Kopp's be finished. (10:20 a.m.) Floyd wanted to make it known that one side of the Kopp's fence was as high as his was. He stated that Mr. Kopp could acquire bids for painting the visible portion of the wall, hire the contractor and then he would pay the expense. (10:21 a.m.) Stern stated that the wall balanced the house and that it was aesthetically pleasing. (10:21 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to approve the appeal regarding the zoning variance to increase the wall height from six feet to sixteen feet six inches, reversing the decision of the PZA, adopting the Findings in the packet to support the motion, including the conditions that the color of the wall**

paint be agreed upon by both parties, that Kopp acquire the bids and hire the contractor and that Mr. Floyd cover the expense of painting only the portion of the wall that was visible to the Koppes.

(10:23 a.m.) The meeting was recessed and resumed at 10:29 a.m., with Maguire absent.

(08/11/04 - 8 - 10:29 a.m.)

2. PUBLIC HEARING - REZ 2004-09, THIBAULT ELECTRIC - THIS REQUEST SEEKS TO REZONE 1.55 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) IN ORDER TO DEVELOP THE SITE WITH AN OFFICE WAREHOUSE PROJECT. THE PARCEL IS LOCATED ON THE NORTH SIDE OF U.S. 1, IMMEDIATELY EAST OF THE FLORIDA EAST COAST RAILROAD, AND IS IN THE MIXED USE LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. ST. JOHNS COUNTY UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER. ADJACENT ZONINGS ARE CG TO THE SOUTH BETWEEN THE PARCEL AND S.R. 207, IW TO THE WEST ACROSS THE RAILROAD TRACKS, AND OR TO THE EAST. PINECREST STREET FORMS THE EASTERN BOUNDARY OF THE PARCEL AND IS USED BY SEVERAL RESIDENCES TO THE NORTH FOR ACCESS. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO COMMERCIAL INTENSIVE (CI) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED USE PROVISIONS OF THE COMPREHENSIVE PLAN. THEREFORE, THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 7 TO 0 AT THEIR JULY 15, 2004 MEETING

Proof of Publication of the Notice of Public Hearing of the REZ 2004-09 Thibault Electric, was received, having been published in the *St. Augustine Record* on July 26, 2004.

Bruce Ford, Chief Planner, provided a new cover sheet that correctly identified the location as SR 207 and not US 1 South, and clarified that the City of St. Augustine Utilities and not the St. Johns County Utility Department would service the project.

(10:30 a.m.) Karen Taylor, 3070 Harbor Drive, explained that the parcel was 1.5 acres located behind an existing commercial property, with access from SR 207. She stated that the applicant planned to construct an Office/Warehouse Complex and that the applicant had been granted a Certificate of Concurrency and planned to start construction in the near future. (10:32 a.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to enact Ordinance No. 2004-65, known as REZ 2004-09, Thibault Electric, adopting Findings of Fact to support the motion.**

#### ORDINANCE NO. 2004-65

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 COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AND EFFECTIVE DATE



(08/11/04 - 9 - 10:35 a.m.)

3. PUBLIC HEARING - REZ 2004-10, ST. JOSEPHS ACADEMY - THIS IS A REQUEST TO REZONE 4.5 ACRES FROM INDUSTRIAL (IW) TO OPEN RURAL (OR) IN ORDER TO CONSTRUCT 8 TO 10 TENNIS COURTS, WITH ANCILLARY UNPAVED PARKING FOR USE BY ST. JOSEPH'S ACADEMY STUDENTS. THE SUBJECT PARCEL IS LOCATED AT THE SOUTH END OF ST. JOSEPHS ACADEMY THAT IS NORTH OF S.R. 207 JUST WEST OF U.S. 1. THE EXISTING INDUSTRIAL ZONING DOES NOT ALLOW FOR THIS USE AND THE OR ZONING WILL ALLOW THE USE AND BE CONSISTENT AND COMPATIBLE WITH ADJACENT USES. A CONCURRENT ROAD VACATION IS UNDERWAY FOR RODRIGUES STREET, WHICH IS WITHIN THE EASTERN PORTION OF THE PARCEL AND WHICH WILL NEED TO BE SET FOR HEARING OR APPROVED PRIOR TO APPROVAL OF THIS REZONING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 0 AT THEIR JULY 1, 2004 MEETING

Proof of Publication of the Notice of Public Hearing of the REZ 2004-10 St. Joseph's Academy, was received, having been published in the *St. Augustine Record* on July 26, 2004.

(10:35 a.m.) Maguire entered the meeting. Steve Alexander, counsel for the applicant, reviewed the request. (10:37 a.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to enact Ordinance 2004-66, REZ 2004-10 St. Joseph's Academy, adopting Findings of Fact to support the motion.**

#### ORDINANCE NO. 2004-66

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

(08/11/04 - 9 - 10:38 a.m.)

4. PUBLIC HEARING - REZ 2004-14 SIXTEEN WEST - THIS REQUEST SEEKS TO REZONE 1.1 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG) IN ORDER TO DEVELOP THE SITE WITH A BUSINESS OFFICE. THE PARCEL IS LOCATED ON THE NORTH SIDE OF S.R.16, APPROXIMATELY 1 MILE NORTH OF C.R. 208, AND IS IN THE MIXED USE LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. ST. JOHNS COUNTY UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER. ADJACENT ZONINGS ARE OR TO THE NORTH AND EAST, AND TO THE WEST IS A 50 FOOT STRIP OF LAND ZONED OR, WHICH IS PART OF AND PROVIDES ACCESS TO A LARGER PARCEL TO THE NORTH ZONED OR. DIRECTLY WEST OF THIS ENTRANCE ROAD IS A PARCEL ZONED PUD. NO PRELIMINARY PLANS HAVE BEEN DEVELOPED AT THIS TIME FOR THE PROPOSED BUSINESS OFFICE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 7 TO 0 AT THEIR JULY 15, 2004 MEETING

Proof of Publication of the Notice of Public Hearing of the REZ 2004-14, Sixteen West, was received, having been published in the *St. Augustine Record* on July 26, 2004.

Hank Whetstone, 400 Old Quarry Road, requested rezoning of the property so that a commercial building could be built on it. (10:39 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance No. 2004-67, known as REZ 2004-14 Sixteen West, adopting Findings of Fact 1 through 4 to support the motion contained in the package.**

**ORDINANCE NO. 2004-67**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, FLORIDA, REZONING AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(08/11/04 - 10 - 10:41 a.m.)

5. PUBLIC HEARING - REZ 2004-06, SEA PINES III - THIS IS A REQUEST TO REZONE 6.2 ACRES FROM INDUSTRIAL WAREHOUSE (IW) TO RESIDENTIAL SINGLE FAMILY (RS-2), IN ORDER TO CONSTRUCT UP TO NINE (9) SINGLE FAMILY RESIDENCES. THE PARCEL IS LOCATED ON THE NORTH SIDE OF S.R. 206 AND IMMEDIATELY WEST OF THE ENTRANCE TO THE SEA PINES SUBDIVISION. THE APPLICANT PROPOSES ONE ACCESS ON LONGLEAF DRIVE THAT IS THE ENTRANCE ROAD FOR SEA PINES. A LARGE CONTIGUOUS WETLAND ON THE WEST CENTRAL SIDE OF THE PROJECT WILL BE PRESERVED AND WILL ACT AS A BUFFER TO THE EXISTING ELECTRICAL SUBSTATION ON THE WEST. 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 5 TO 0 AT THEIR JULY 1, 2004 MEETING

Proof of Publication of the Notice of Public Hearing of the REZ 2004-06 Sea Pine III, was received, having been published in the *St. Augustine Record* on July 26, 2004.

(10:43 a.m.) Karen Taylor, 3070 Harbor Drive, reviewed the rezoning request. (10:44 a.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to enact Ordinance No. 2004-68, known as REZ 2004-06 Sea Pines III, adopting Findings of Fact to support the motion.**

**ORDINANCE NO. 2004-68**

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

(08/11/04 - 11 - 10:44 a.m.)

6. PUBLIC HEARING - PUD 2004-10, RABBIT HILL - THIS REQUEST SEEKS TO REZONE 2.18 ACRES OF LAND FROM RESIDENTIAL SINGLE FAMILY (RS-3) AND PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW THE EXPANSION OF AN EXISTING SELF STORAGE FACILITY BY 14,600 SQUARE FEET AND TO ALLOW COMMERCIAL STORAGE USES. THE EXISTING PSD CONSISTS OF 16,136 SQUARE FEET OF SELF-STORAGE, AN OFFICE/RESIDENCE OF 1,362 SQUARE FEET AND A TWO STORY BUILDING CONTAINING 1,665 SQUARE FEET WITH AN APARTMENT ON TOP AND A BUSINESS ON THE BOTTOM FLOOR. TWO ADDITIONAL STORAGE BUILDINGS ARE PROPOSED. THE LARGER OF THE TWO BUILDINGS WILL BE 11,600 SQUARE FEET AND WILL BE AT THE NORTHERN SIDE OF THE PARCEL. THE SMALLER BUILDING WILL BE 3,000 SQUARE FEET AND WILL BE LOCATED ADJACENT TO THE EXISTING APARTMENT/BUSINESS. THE SUBJECT PROPERTY IS SITUATED ON THE NORTH SIDE OF S.R. 16, AND IS BORDERED BY COLLINS ROAD ON THE WEST. THE CITY OF ST. AUGUSTINE WILL CONTINUE TO PROVIDE WATER SERVICE AND SANITARY SEWER SERVICE IS NOT AVAILABLE AND WILL CONTINUE TO BE PROVIDED BY ONSITE SEPTIC SYSTEM. THE SUBJECT PROPERTY IS DESIGNATED AS MIXED USE ON THE FUTURE LAND USE MAP. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 15, 2004 HEARING, BY A VOTE OF 7/0

Proof of Publication of the Notice of Public Hearing of the PUD 2004-10, Rabbit Hill, was received, having been published in the *St. Augustine Record* on July 26, 2004.

(10:45 a.m.) Bob Webb, SR 16, Owner/Manager of Rabbit Hill Storage, reviewed the rezoning request. (10:47 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2004-69, known as PUD 2004-10, Rabbit Hill PUD, adopting Findings of Fact 1 through 7 contained in the package to support the motion.**

#### ORDINANCE NO. 2004-69

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RS-3 (RESIDENTIAL SINGLE FAMILY) AND PSD (PLANNED SPECIAL DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(08/11/04 - 11 - 10:51 a.m.)

7. PUBLIC HEARING - PUD 2004-14, HILDEN BUSINESS PARK - THIS REQUEST SEEKS TO REZONE 10.15 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW THE DEVELOPMENT OF UP TO 115,000 SQUARE FEET OF BUSINESS PARK USES INCLUDING USES ALLOWED IN NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, OFFICE AND PROFESSIONAL SERVICES AND LIGHT INDUSTRIAL AS DESCRIBED IN THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THE MASTER DEVELOPMENT PLAN INCLUDED WITH THE PUD DEPICTS TWO BUILDINGS IN PHASE 1 WITH A TOTAL FLOOR AREA OF 59,200 SQUARE FEET. THE SUBJECT PROPERTY IS

SITUATED ON THE EAST SIDE OF U.S. 1 AND IS BISECTED BY HILDEN ROAD. ST. JOHNS COUNTY UTILITIES WILL PROVIDE WATER AND SANITARY SEWER. THE SUBJECT PROPERTY IS DESIGNATED AS MIXED USE ON THE FUTURE LAND USE MAP. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 15, 2004 HEARING BY A VOTE OF 7/0

Proof of publication of the Notice of Public Hearing on PUD 2004-14, Hilden Business Park, was received, having been published in the *St. Augustine Record* on July 26, 2004.

Bruce Ford, Chief Planner, explained that the PZA had approved the request with the stipulation of an increased buffer on Phase II, which needed to be added to the text and a 35' buffer needed to be added to the motion, if approved.

(10:52 a.m.) Danielle Mayoros, North Beach Engineering, Inc., representing the applicants, reviewed the rezoning request. She explained that the applicant had been granted full concurrency and that the 35' buffer would be included, and noted that the Planning Department would be provided with a corrected map and corrected text should the Board approve the request. (10:54 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance No. 2004-70, known as PUD 2004-14, Hilden Business Park PUD, adopting Findings of Fact 1 through 7 included in the package, to support the motion, including the additional 35' buffer in Phase II.**

#### ORDINANCE NO. 2004-70

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

(08/11/04 - 12 - 10:55 a.m.)

#### 8. UPDATE AND BRIEFING ON PHYSICIAN SERVICES FOR COUNTY EMPLOYEES

Dr. Gerald Carver, M.D., County Physician, explained that the physician's services for County employees had been provided to help lessen the cost of health care. (10:56 a.m.) Jacalone left the meeting. Carver explained that the program was able to offer affordable health care in a timely and efficient manner. (10:58 a.m.) Bryant asked Adams about the Fiscal Year 2005 insurance budget and Adams answered that approximately 12 million had been budgeted. Bryant explained that the County would be able to stop escalating health care costs with this service in conjunction with the County Wellness Program. Carver reviewed the graph he had obtained from the Insurance Committee that indicated the County's cost was leveling off, but noted that the national average continued to rise. He reviewed the financial reports of the service and mentioned that 1,524 patients had been seen in the first quarter. (11:03 a.m.) Adams stated that the service was open to anyone covered by County insurance, including dependents and retirees. (11:04 a.m.) Jacalone entered the meeting. Carver reviewed the expenditures, savings and time saved with the program. He reviewed the proposed budget for FY 2005. (11:07 a.m.) Bryant asked if after hours services were available and Carver stated that this option could be discussed at a later date. Bryant mentioned that Carver was also a Licensed Pharmacist and dispensed medications. (11:09 a.m.) Discussion regarding the current and future status of the clinic ensued.

(11:16 a.m.) Betty Goyings, Mental Health Technician, stated that she had heard only good things about Dr. Carver.

(08/11/04 - 13 - 11:18 a.m.)

9. DISCUSSION OF BEACH TOLL FOR DISABLED VETERANS

Commissioner Bruce Maguire suggested giving Disabled veterans free beach access passes to the beaches in St. Johns County.

(11:19 a.m.) Glenn Tilly, 22 Surf Crest Street, Judge Advocate for Post 2391 VFW, asked that the Disabled veterans be given free access to the beaches. He reviewed the process and procedure of determining who qualified as a 100% disabled veteran, and recommended that a beach access pass be given to those disabled veterans who had the disabled veteran license plate or identification card. He explained that these veterans were unable to walk onto the beaches. (11:21 a.m.) Discussion ensued. (11:35 a.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to provide those persons who are 100% disabled veterans with one free annual beach-parking pass.** Maguire left the meeting.

(08/11/04 - 13 - 11:27 a.m.)

10. CONSIDER APPROVAL OF RUN DROP SLIDE, INC. OF ST. AUGUSTINE TO HOST THE TENTH ANNUAL FLORIDA SKIMBOARDING PRO/AM ON VILANO BEACH

Dave Williams, Aquatic Superintendent, reviewed the request and mentioned that the event would include live music, tents and tables, to be left on the beach overnight. He requested Board direction. (11:29 a.m.) Discussion relating to the event ensued. (11:32 a.m.) *Motion by Jacalone to approve the event to occur on Vilano Beach.* The motion died for lack of a second. Bosanko suggested requiring the promoter to provide off-duty law enforcement, as needed, additional trash collection and restroom facilities and coordination with the sea turtle permit holder monitors. Discussion regarding the motion continued. (11:32 a.m.) *Motion by Jacalone to approve the event to occur on Vilano Beach and require the promoter to notice the sea turtle permit holder monitors for the area.* The motion died for lack of a second. Further discussion relating to the motion continued. (11:38 a.m.) **Motion by Bryant, seconded by Meiszer, carried 4/0, with Maguire absent, to allow the event to take place, with the promoter being responsible for additional trash collection, additional restroom facilities, if needed, and requesting permission from the sea turtle permit holder monitor to leave structures on the beach overnight.**

The meeting recessed at 11:42 a.m. and reconvened at 1:37 p.m. with Stern, Maguire, Jacalone, Bryant, Meiszer, Bosanko, Adams and Deputy Clerk Lenora Newsome present.

(08/11/04 - 13 - 1:37 p.m.)

11. WORKSHOP TO DISCUSS THE ST. AUGUSTINE & ST. JOHNS COUNTY CHAMBER OF COMMERCE FISCAL YEAR 2005 BUDGET APPROPRIATIONS

Doug Timms, Interim Director of Office of Management and Budget, reviewed this item, stating that they had two follow-up issues from their budget workshop of July 22, 2004, representing relatively larger increases with differences from the recommended budget. The first issue was the Chamber of Commerce requesting an additional amount of \$25,000 for economic development efforts. Discussion followed on what the additional \$25,000 was to be used for.

(1:40 p.m.) Steve Harrison, 17 Bayview Drive, Chairman of the Economic Development Council, spoke on addressing the volume of inquiries that they were receiving for people who were interested in moving businesses into St. Johns County, outgrowing their ability to handle them professionally and in a timely manner, and the biggest part of their request was for a software program that would allow them to do that. Discussion followed on the County being expected to support the software program every year. (1:48 p.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to recommend the additional FY 2005 Budget appropriation of \$25,000 to the St. Augustine & St. Johns County Chamber of Commerce.**

(08/11/04 - 14 - 1:51 p.m.)

12. WORKSHOP TO DISCUSS THE ST. AUGUSTINE HUMANE SOCIETY FISCAL YEAR 2005 BUDGET APPROPRIATIONS

Doug Timms, Interim Director of the Office of Management & Budget, spoke on the increase request from the St. Augustine Humane Society for the FY 2005 Budget, Exhibit A. He stated that the motion was to recommend or deny the additional FY 2005 Budget appropriation to the St. Augustine Humane Society and they suggested that the \$312,000 be the proposed contract amount. Bosanko asked where the source of the funding was coming from and mentioned with concern that the County could not commit to more than one year of funding from ad valorem taxes, with a few exceptions on contracts. Timms replied that it would come out of the General Fund. Maguire asked for a review of the accountability side and Timms responded. Timms spoke on going to a flat monthly amount, not changing their procedures dramatically, the rate not changing but the volume had, and operating countywide. Meiszer spoke on having licenses for animals, especially dogs.

(2:08 p.m.) Ann Antanee, President of the Humane Society, explained why they were requesting the extra funding and spoke on a mobile spade/neuter clinic. Jacalone questioned how much of the percentage of funding came from the county. Allen Freeboard, responded somewhere around 80%. Maguire questioned how much funding came from the City of St. Augustine and St. Augustine Beach combined. Freeboard responded somewhere between 15 and 20 %, about \$105,000. Maguire asked how many dogs they get from St. Augustine, St. Augustine Beach and the County. Freeboard answered 820 dogs and cats from the City of St. Augustine, 66 from St. Augustine Beach and 5,438 from the County. Bishop spoke on continuing to spend money in the future on animal control. Discussion followed on how long a dog was kept at the Humane Society after being picked up, how much money was received from the City of St. Augustine for the year of 2004, the Humane Society moving, and on capital fund raising. Meiszer mentioned having the Humane Society move to the county landfill at the transfer station on US 1 North and discussion ensued. Jacalone spoke on the budget increase. (2:33 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to recommend for FY 2005 Budget appropriation of the Staff recommended amount of \$312,000.**

(08/11/04 - 14 - 2:34 p.m.)

13. CONSIDER MOTION TO GRANT OR DENY FREE USE OF SPACE AT THE ST. JOHNS COUNTY CONVENTION CENTER TO HOLD A ST. JOHNS COUNTY PRO FAMILY RALLY ON MONDAY, SEPTEMBER 13, 2004 FROM 5:30 P.M. UNTIL 10:00 P.M.

Glenn Hastings, Executive Director of the Tourist Development Council, reviewed this item. (2:36p.m.) Bryant left the meeting.

(2:36 p.m.) Alan Kelso, 1050 Bella Vista Blvd. #204, explained why they were requesting free use of space at the St. Johns County Convention Center. (2:38 p.m.) Michael Hunt, Deputy County Attorney, entered the meeting. (2:38 p.m.) **Motion by Jacalone, seconded by Stern, carried 3/1 with Bryant absent and Maguire opposed, to grant free use of space at the St. Johns County Convention Center to hold a St. Johns County Pro Family Rally on Monday, September 13, 2004 from 5:30 p.m. until 10:00 p.m.**

(08/11/04 - 15 - 2:39 p.m.)

14. CONSIDER MOTION TO GRANT OR DENY FREE USE OF SPACE AT THE ST. JOHNS COUNTY CONVENTION CENTER TO HOLD THE MIRACLE HOME'S "MAKING A DIFFERENCE ONE LIFE AT A TIME" BANQUET ON SATURDAY, OCTOBER 23, 2004 FROM 3:00 P.M. UNTIL 9:30 P.M.

Glenn Hastings, St. Johns County Tourist Development Council, reviewed this item.

(2:40 p.m.) Paula O'Connor, Assistant Director of Alpha-Omega, 3100 U.S. 1 South, explained why they were requesting free use of space at the St. Johns County Convention Center. (2:40 p.m.) Bryant returned to the meeting. Discussion followed on using all the free days at the convention center and there not being any days left for the county to use it. Hastings stated that he would give a copy of the contract to Meiszer. (2:47 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to grant free use of space at the St. Johns County Convention Center to hold the Alpha-Omega Miracle Home's "Making a Difference One Life at a Time" banquet on Saturday, October 23, 2004 from 3:00 p.m. until 9:30 p.m.**

(08/11/04 - 15 - 2:48 p.m.)

15. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AND ENTER INTO CONTRACTS WITH THE TOP THREE FIRMS FOR RFP NO. 04-79, REQUEST FOR PROPOSALS, DEBRIS MANAGEMENT & DISASTER RELATED SERVICES

Joe Burch, Purchasing Manager, reviewed this item regarding a request for proposals, debris management and disaster related services. Maguire questioned dealing with a local organization opposed to dealing with one out of state, how many other communities they have contracted with and if they have the capacity to spread themselves. Burch responded. Discussion followed on the response time, and the costs of the agreements.

(2:56 p.m.) John Mateo, Director of Marketing for Ashbritt, Inc., St. Petersburg, FL, stated that they have offices in Florida and if they couldn't respond in the time listed, then they would be in default of their contract. Mateo explained the way they would handle things. (2:58 p.m.) **Motion by Meiszer, seconded by Bryant to allow the County Administrator, or his designee, to negotiate with and enter into contracts with the top three firms.** Discussion followed on approving the contracts, and federal reimbursements. **The motion carried 5/0.**

(08/11/04 - 15 - 3:06 p.m.)

16. CONSIDER A MOTION TO AWARD A BID 04-73, CONSTRUCTION OF WATER MAIN IMPROVEMENTS FOR MENENDEZ PARK AREA (WHICH INCLUDES SAN RAFAEL ROAD & CONTERA DRIVE), TO MGA CONSTRUCTION, INC. IN THE AMOUNT OF \$651,373.00

Joe Burch, Purchasing Manager, stated that this item was to consider Bid No. 04-73, construction of Menendez Park community water main improvements. (3:07 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to award Bid No. 04-73,**

**Construction of Menendez Water Main Improvements, to the low bidder, MGA Construction, Inc. in the amount of \$651,373.00.**

The meeting recessed at 3:08 p.m. and reconvened at 3:17 p.m.

(08/11/04 - 16 - 3:17 p.m.)

17. CONSIDER APPOINTMENT OF A ST. JOHNS COUNTY REPRESENTATIVE TO THE HEALTH PLANNING COUNCIL OF NORTHEAST FLORIDA, INC.

Melissa Lundquist, Administrative Coordinator, stated that the request was to reappoint Ms. Susan Ponder-Stansel as the St. Johns County representative to the position of Provider on the Health Planning Council Board. (3:19 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to approve Ms. Susan Ponder-Stansel as the St. Johns County representative on the Health Planning Council of Northeast Florida, Inc., for a two-year term scheduled to expire October, 2006.**

(08/11/04 - 16 - 3:21 p.m.)

18. DISCUSSION OF NORTHRIDGE LAKES PUD CONCURRENCY EXPIRATION

Scott Clem, Director of Growth Management Services, reviewed this item, summarizing the new information he distributed, Exhibit A. Jacalone asked about the county's portion of the impact fee and Clem responded. Meiszer questioned where the funding was coming from. Clem suggested the funding would come from account #094-5821058210 and transfer to the County Road and Park Impact Fee Fund. Timms clarified that a check would be issued to the Building Department, so it would be in a payment form and it wouldn't be an accounting transfer. Maguire asked, since the county is paying there part of this, what was Northridge going to do? Clem responded that they would be paying the remainder of the impact fees due on Roads and Parks in the total amount of about \$800,000. (3:32 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to approve Resolution No. 2004-207.**

#### RESOLUTION NO. 2004-207

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO PAY \$96,502 FOR ST. JOHNS COUNTY ROAD AND PARK IMPACT FEES FOR 61 "AFFORDABLE" HOUSING UNITS IN NORTHRIDGE PUD**

(08/11/04 - 16 - 3:33 p.m.)

- 18A. MOTION TO APPROVE INTER-LOCAL AGREEMENT BETWEEN THE INDUSTRIAL DEVELOPMENT AUTHORITY AND THE COUNTY FOR SUPER BOWL RELATED ADVERTISING AND PROMOTIONAL SERVICES IN THE AMOUNT OF \$25,000 TO BE PAID TO THE TOURIST DEVELOPMENT TAX TRUST ACCOUNT FUND 1116, LINE 1144-54900 DURING FISCAL YEAR 2005  
(Formerly Consent Item 12)

Meiszer explained why he pulled this item, questioning why the advertising was pulled out, why there was a fund authorizing approval of funding without the Board's consent, and reconsidering the whole list from the Touchdown Organization, which is the St. Johns County Super Bowl Committee wish list. Meiszer asked what the TDC Sports Marketing Grant was and Hastings responded that it was money that they pay out through the Category III Fund. Stern requested to place the list on the August 25th Agenda for discussion. (3:44 p.m.) **Motion by Jacalone, seconded by Maguire, carried 4/1 with Meiszer opposed, to approve the Inter-local Agreement between the**



**Industrial Development Authority and the County for Super Bowl related advertising and promotional services in the amount of \$25,000 to be paid to the Tourist Development Tax Trust Account Fund 1116, line 1144-549000 during Fiscal Year 2005.**

(08/11/04 - 17 - 3:45 p.m.)

18B. MOTION TO APPROVE THE TRANSFER OF \$500,000 FROM THE CTF CAPITAL OUTLAY RESERVE (1131-59927) TO CAPITAL PROJECTS - LOCAL ROAD (1114-56310) FOR THE CONSTRUCTION OF A ROADWAY AND ASSOCIATED DRAINAGE FACILITIES WITHIN THE WORLD COMMERCE CENTER (*Formerly Consent Item 10*)

Maguire explained why he pulled this item. John Schwab, Special Projects Manager, stated that there was an agreement in the contract with the State of Florida to be reimbursed for the county's participation in the construction of the road in order to enhance Rulon's development in St. Johns County. Maguire asked if the contract had been executed. Karen Johnson, Intergovernmental Relations Specialist, replied that the contract had not been executed at this time because there were changes made and that Michael Hunt, Deputy County Attorney reviewed it yesterday and it would be submitted this afternoon or tomorrow morning to the World Commerce Center. Hunt stated that as it stands now, it does not say that the developer would pay if something went wrong. Johnson offered a suggestion to the recommended motion for it to be as is, but add to it, *for funds to be disbursed after Rulon Company begins vertical construction.* Schwab stated that the county would pay it out and then get reimbursed by the State of Florida. (3:56 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve the transfer of \$500,000 from the CTF Capital Outlay Reserve (1131-59927) to Capital Projects - Local Road (1114-56310) for the construction of a roadway and associated drainage facilities within the World Commerce Center, contingent on building permits being issued and vertical construction being initiated.**

(08/11/04 - 17 - 3:58 p.m.)

18C. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR CYPRESS LAKES UNIT 2-A (*Formerly Consent Item 4*)

Kathy Nielsen, Applications Review Coordinator, stated that this item was pulled from this morning's Agenda because they needed to have a Consent and Joinder signed by a second mortgage holder. She stated that this had been done and reviewed by the Attorney's Office. (3:59 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adopt Resolution No. 2004-208.**

#### RESOLUTION NO. 2004-208

#### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR CYPRESS LAKES UNIT TWO PHASE A

(08/11/04 - 17 - 3:59 p.m.)

COMMISSIONER REPORTS

Commissioner Bryant:

No report.

(3:59 p.m.)

Commissioner Jacalone:

No report.

(3:59 p.m.)

Commissioner Stern:

Stern requested to schedule a date to convene as the CRA Board to hear an update from all three of the CRA's. (4:00 p.m.) Bryant left the meeting. Adams suggested scheduling it for September 8<sup>th</sup> at 5:30 p.m. The Board agreed to it.

(4:02 p.m.)

Commissioner Maguire:

No report.

(4:02 p.m.)

Commissioner Meiszer:

No report.

(08/11/04 - 18 - 4:02 p.m.)

COUNTY ADMINISTRATOR REPORT

Adams stated that he needed Board confirmation to hire David Dinkins as the County Extension Director, Exhibit B. He stated that Dinkins would like to start around September 13<sup>th</sup>. (4:03 p.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0 with Bryant absent, to confirm David Dinkins as the County's new Extension Director.**

Adams stated that there was a request from David Rafanowicz of Toastmaster, to use the Northwest Conference Room every Saturday starting August 14<sup>th</sup> from 7 a.m. till 9:15 a.m. The cost for staff overtime at the Northwest annex facility, per Wayne Pacetti, was \$41.92 each Saturday or \$167.68 per month - the actual cost was for 2.25 hours each week. This would include opening, closing, and monitoring the facility while the room was in use. Discussion followed on committing the building on a set schedule. Adams responded that he would let them use the room since there was three out of four Commissioners in favor of it. Jacalone suggested mentioning to them about using the Bartram Trail Library and that it would be free. Adams stated that he would.

(08/11/04 - 18 - 4:09 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko spoke on the buffer case that the County won, and stated that it had been appealed. (4:10 p.m.) Jacalone left the meeting. Bosanko asked, why the appeal was going on, should he cross appeal on the standing issue with his recommendation being that the County doesn't and explained why. He stated that his intention was not to cross appeal on that standing issue and if he doesn't hear any direction from the Board, he will go with it. He stated that he would move forward with a strong defense, but would not appeal that standing issue.

(08/11/04 - 18 - 4:12 p.m.)

CLERK OF COURT'S REPORT

No report.

**Motion by Stern, seconded by Maguire, carried 3/0 with Bryant and Jacalone absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 4:12 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 354919 through 355317, totaling \$1,720,929.31 (07/27/04)
2. St. Johns County Board of County Commissioners Check Register, Check No. 355318 through 355323, totaling \$1,800.00 (07/28/04)
3. St. Johns County Board of County Commissioners Check Register, Check No. 355324 through 355371, totaling \$67,445.25 (07/30/04)
4. St. Johns County Board of County Commissioners Check Register, Check No. 355372 through 355378, totaling \$1,200.00 (08/02/04)
5. St. Johns County Board of County Commissioners Check Register, Check No. 355379 through 3553402, totaling \$28,787.97 (08/05/04)
6. St. Johns County Board of County Commissioners Check Register, Check No. 355403 totaling \$925.900 (08/05/04)
7. St. Johns County Board of County Commissioners Check Register, Check No. 355404 through 355405 totaling \$319.17 (08/06/04)

CORRESPONDENCE:

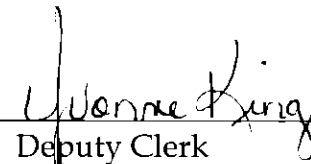
1. Letter to John Tanner, State Attorney, enclosing a filed and certified copy of the Interlocal Agreement between St. Johns County and the State Attorney of the Seventh Judicial Circuit and Resolution No. 2004-159 authorizing the agreement. (08/03/04)
2. Letter to James B. Gibson, Public Defender, enclosing a filed and certified copy of the Interlocal Agreement between St. Johns County and the State Attorney of the Seventh Judicial Circuit and Resolution No. 2004-159 authorizing the agreement. (08/03/04)
3. Letter to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinances Number 2004-60 through 2004-64 (07/27/04)

Approved August 25, 2004

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

