

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
AUGUST 25, 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  
                              Daniel Bosanko, County Attorney  
                              Lenora Newsome, Deputy Clerk

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

(08/25/04 - 1 - 9:07 a.m.)  
Stern called the meeting to order.

(08/25/04 - 1 - 9:07 a.m.)  
Meiszer gave the Invocation and Bryant led the Pledge of Allegiance.

(9:08 a.m.) Adams gave an update on Hurricane Charley, using a video. (9:24 a.m.) Ray Ashton, EOC, gave a wrap up on Hurricane Charley. Meiszer mentioned that he received calls from the Flagler Estates and Hastings area regarding people wanting to help out and they were told that they weren't needed. Ashton replied that he would check into it.

(08/25/04 - 1 - 9:37 a.m.)  
ROLL CALL

Stern announced that all five Commissioners were present.

(08/25/04 - 1 - 9:37 a.m.)  
PUBLIC COMMENTS

Glenda Thomas, 600-A Shannon Road Detour, spoke with the assistance of a map on having access to their property without having to go through Palencia, Exhibit A. She asked the Board to check into putting an access road to their property. Bosanko stated that the Development Order does establish certain criteria and to his knowledge he had not heard that the developers had not met the requirements in the Development Order. Meiszer stated that these people should have a right to access their property without interference and there should be a way to dissolve the dispute. Bosanko replied that the relief would only come when it comes to litigation and a judge listens to both sides and makes a ruling. He stated that it would have to be resolved in a court of law. Discussion followed on access to Thomas' property.

(9:50 a.m.) Don Beattie, 808 Mill Pond Court, spoke on the BCC Roadway and Traffic Plan, Exhibit A. He spoke with the assistance of a map about the traffic on Race Track Road, Exhibit B. Jacalone spoke on the Comprehensive Plan.

(08/25/04 - 2 - 10:01 a.m.)  
DELETIONS TO CONSENT AGENDA

Bosanko requested to pull Item 15 to be rescheduled at a later time.

(08/25/04 - 2 - 10:01 a.m.)  
APPROVAL OF CONSENT AGENDA

**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:  
08/11/04 - BCC Regular Meeting
3. Sheriff's Office Bonds:  
Approve:

Swindull, Melissa A	Chance, Sharon J	Sands, John
Sweeney, Bobbi Jo	Barnes, Matthew R	Case, Spring L
Coward, Thomas C	Crafton, Henry S	Croxford, Matthew J
Dostie, Paul B	Murray, Chad W	Neville, Otis E
Smith, Ryan J	Wasson, Bradley M	Weaver, James K
Wiesenfeld, Jennifer	Wutkowski, William D	
Castagna-McGettigan, Maris A		

  
Cancel:

Hughes, Henry J	Davis, Mark W	Wilder, Carole S
Newman, Jon K	Kriesen, Christopher	Thomas, Canvas
Singleton, Joseph		
4. Motion to approve the sale of county held tax certificates for 2000 on parcels which are assessed at \$5,000.00 or more, and to authorize payment to the St. Johns County Tax Collector of \$3,625.00 for searches, and to authorize payment to the St. Johns County Clerk of Court of \$10,560.00 for the cost of the sales, pursuant to F.S. 197.502, from General Fund Reserves
5. Motion to approve the transfer of \$94,490.00 from CTTF Reserves (1131-59920) to Fleet Maintenance (1123-55218) to cover cost of fuel expenditures through the end of FY 2004
6. Motion to approve the transfer of \$12,000 from the State Attorney Reserves (1132-59920) to the State Attorney Department Communications (1132-54100) to fund remaining expenditures in FY 2004 per Article V, Revision 7
7. Motion to adopt **Resolution No. 2004-210**, donating County furnishings and equipment to the State of Florida in accordance with the provisions of HB 0133A, Laws of Florida 2003-402

**RESOLUTION NO. 2004-210**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE FURNISHINGS AND EQUIPMENT LOCATED IN THE STATE ATTORNEY AND PUBLIC DEFENDER'S OFFICE AS SURPLUS PROPERTY AND AUTHORIZING THE TRANSFER OF THE FURNISHINGS AND EQUIPMENT TO THE STATE OF FLORIDA PURSUANT TO SECTION 29.008, FLORIDA STATUTE**

8. Motion to adopt **Resolution No. 2004-211**, granting an Irrevocable License Agreement to Florida Power and Light Company to install an underground utility line for Cypress Lakes Phase 2A, Phase 2B, Phase 4 and Phase 5 located on S.R. 207

**RESOLUTION NO. 2004-211**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN IRREVOCABLE LICENSE AGREEMENT TO FLORIDA POWER & LIGHT COMPANY TO INSTALL AN UNDERGROUND UTILITY LINE FOR CYPRESS LAKES PHASE 2A, PHASE 2B, PHASE 4 AND PHASE 5 LOCATED ON S.R. 207**

9. Motion to adopt **Resolution No. 2004-212**, accepting Drainage Easements to install culverts, headwalls and guardrails on C.R. 13 at the intersections of Hub Bailey Road and White Tower Road for improvements to the drainage in this area

**RESOLUTION NO. 2004-212**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING DRAINAGE EASEMENTS TO INSTALL CULVERTS, HEADWALLS, AND GUARDRAILS ON COUNTY ROAD 13 AT THE INTERSECTIONS OF HUB BAILEY ROAD AND WHITE TOWER ROAD FOR THE IMPROVEMENTS TO THE DRAINAGE IN THIS AREA**

10. Motion to adopt **Resolution No. 2004-213**, accepting a Drainage Easement for an outfall ditch along Huff Road

**RESOLUTION NO. 2004-213**

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

11. Motion to adopt **Resolution No. 2004-214**, authorizing the Clerk of Court, under Section 95.361, Florida Statutes, to file an amended survey map of Winifred Masters Road claiming a vested interest in the road described in the survey map, and/or establishing a Prescriptive Easement in the same rights-of-way, in

accordance with the principles set forth in Downing v. Bird, 100so.2d57 (Fla. 1958)

**RESOLUTION NO. 2004-214**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURT, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE AN AMENDED SURVEY MAP OF WINIFRED MASTERS ROAD CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100SO.2D57 (FLA. 1958)**

12. Motion to adopt **Resolution No. 2004-215**, accepting the terms of an Amendment of Lease Agreement between St. Johns County, Florida and St. Johns Welfare Federation for the Bayview Care Center and authorizing the County Administrator to execute said Agreement

**RESOLUTION NO. 2004-215**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF AN AMENDMENT OF LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY WELFARE FEDERATION FOR THE BAYVIEW CARE CENTER AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AMENDMENT**

13. Motion to adopt **Resolution No. 2004-216**, accepting an Easement for Utilities required for construction of Phase 2 of the Interstate 95 Corridor Transmission Water Main Extension Project

**RESOLUTION NO. 2004-216**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES REQUIRED FOR CONSTRUCTION OF PHASE 2 OF THE INTERSTATE 95 CORRIDOR TRANSMISSION WATER MAIN EXTENSION PROJECT**

14. Motion to adopt **Resolution No. 2004-217**, recognizing unanticipated revenue in the amount of \$3,728.75 and increasing the expenditure budget of the Road and Bridge Department (1122-53120) in the same amount for replacement of the streetlight at US 1 and Shore Drive

**RESOLUTION NO. 2004-217**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF THE 2004**

**ROAD & BRIDGE BUDGET TO RECOGNIZE  
UNANTICIPATED REVENUE FOR THE PURPOSE OF  
REPLACING A DAMAGED STREET**

15. Motion to adopt a Resolution approving a final Plat for Augustine Island

*This item was pulled and would be placed on an Agenda at a later date.*

16. Motion to award Bid No. 04-98, Construction of Cypress Links Blvd. Sidewalk and Drainage Improvements, to the low bidder, BNC Inc. in the amount of \$297,657.00 (See Attachment A)
17. Motion to authorize staff to schedule project presentations to move forward with evaluation and ranking of the firms for a County Transportation Infrastructure Asset Inventory (See Attachment B)
18. Motion to declare the attached list of items as surplus and allow staff to sell by auction or sealed bids. Items for which no bid is received and serve no useful function or have no commercial value will be donated, sold for scrap or transferred to the landfill
19. Motion to adopt **Resolution No. 2004-218**, approving the Agreement with Florida Power and Light (FPL), a Florida corporation for the use of Treaty Park as a staging area during and after a natural or man-made disaster

**RESOLUTION NO. 2004-218**

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA,  
THAT CONSISTS OF ENTERING INTO AN  
AGREEMENT WITH FLORIDA POWER & LIGHT (FPL),  
A FLORIDA CORPORATION FOR THE USE OF TREATY  
PARK AS A STAGING AREA DURING AND AFTER A  
NATURAL OR MAN-MADE DISASTER**

20. Motion to adopt **Resolution No. 2004-219**, authorizing the County Administrator to execute Supplementary Agreements and Memorandum of Agreements between the County and the Florida Department of Transportation, District 2 for two Locally Funded Agreements

**RESOLUTION NO. 2004-219**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE SUPPLEMENTARY AGREEMENTS AND  
MEMORANDUM OF AGREEMENTS BETWEEN THE  
COUNTY AND THE FLORIDA DEPARTMENT OF  
TRANSPORTATION - DISTRICT 2 FOR TWO LOCALLY  
FUNDED AGREEMENTS**

21. Motion to adopt **Resolution No. 2004-220**, approving the terms, provisions, conditions, and requirements of a Florida Division of Historical Resources (DHR) Grant for rehabilitation and improvements to the Alpine Groves Park Horse Stables, 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

**ST. JOHNS COUNTY  
BID TABULATION**



*Consent # 16  
8/25/04*

**BID TITLE** CONSTRUCTION OF CYPRESS  
LINKS BLVD SIDEWALK &  
DRAINAGE IMPROVEMENTS

**BID NUMBER** BID NO. 04-98

**OPENING DATE/TIME** JULY 21, 2004, 3:00 P.M.

**POSTING TIME/DATE** FROM 07/21/04 4:00 PM UNTIL 07/26/04 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 *[Signature]*

**TABULATED BY** CHERYL ALBERTSON *[Signature]*

**VERIFIED BY** *[Signature]*

**PAGE (S)** 1 **OF** 1 **PAGE (S)**

BIDDERS	TOTAL LUMP SUM BASE BID PRICE	BID BOND	ADDENDUM #1 ACKNOWLEDGED	ADDENDUM #2 ACKNOWLEDGED		
BNC, INC.	\$297,657.00 <i>↑</i>	X	X	X		
GIBBS & REGISTER, INC.	\$354,000.00	X	X	X		
BGCO, INC.	\$394,089.00	X	X	X		
AWA CONTRACTING CO., INC.	\$338,748.96	X	X	X		

*Attachment A*

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

**SUMMARY SHEET  
FOR RANKING OF PROFESSIONALS**

**ST. JOHNS COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS  
CRITERIA FOR RANKING:**

DATE: August 5, 2004 @ 9 a.m.  
PROJECT: RFQ: 04-89, Transportation Infrastructure Asset Inventory  
(GASB 34)

*Consent 17  
08/25/04*

FIRM	RATER	RATER	RATER	RATER	RATER	RATER	TOTAL	RANK	COMMENTS
	LOCKLEAR	OLIVER	CAMPBELL	DUNN	GIBSON				
TRANSMAP	93	66	72	68	76		375	7	
INFRASTRUCTURE MANAGEMENT SERVICES (IMS)	89	53	77	72	85		376	6	
HDR	71	75	79	70	69		364	10	<i>D</i>
KISINGER CAMPO ASSOCIATES	85	68	75	76	83		387	3	
ERES CONSULTANTS	91	64	82	69	74		380	5	
GHYABI & ASSOCIATES	77	47	68	65	61		318	14	
JENKINS & CHARLAND, INC.	74	59	74	60	63		330	11	
ROADWARE	86	63	75	68	80		372	8	
WOOLPERT LLP	99	94	90	74	81		438	1	
FUGRO CONSULTANTS	86	64	83	67	71		371	9	
PBS&J	89	79	81	76	63		388	2	
ZHA	75	58	68	63	60		324	13	
KING ENGINEERING	77	49	72	68	62		328	12	
ENGLAND, THIMS AND MILLER	92	84	76	65	69		386	4	

*Attachment*

APPROVED: PURCHASING MANAGER *[Signature]* DATE *8-13-04*

DIRECTOR OF PUBLIC WORKS *[Signature]* DATE *08/12/04*

NOTE: THE RANKING SHOWN ABOVE MUST BE FOLLOWED UNLESS SPECIAL CONDITIONS MERIT A CHANGE IN THE NEGOTIATING ORDER. IN THIS CASE, THE SPECIAL CONDITIONS MUST BE EXPLAINED IN DETAIL IN THE COMMENTS SECTION OR ATTACHED TO THIS RANKING SHEET.

POSTING TIME/DATE FROM 4:00 P.M. UNTIL 4:00 P.M. PAGES 1 OF 1 PAGES (S)

ANY RESPONDENT AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY REQUEST FOR PROPOSAL, 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 SUMMARY SHEET. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

RESOLUTION NO. 2004-220

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A FLORIDA DIVISION OF HISTORICAL RESOURCES (DHR) GRANT FOR RENOVATION AND IMPROVEMENTS TO THE ALPINE GROVES PARK HORSE STABLES, AND AUTHORIZING THE COUNTY ADMINISTRATOR, AND THE COUNTY ATTORNEY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

22. Proofs:
- a. Proof, Notice of Meeting, Value Adjustment Board Organizational Meeting, Monday, July 19, 2004 at 9:00a.m.
  - b. Proof, Public Notice, Applications for Special Masters
  - c. Proof, Notice of Request for Approval to Use Limited Proceeding Process by Intercoastal Utilities, Inc.
  - d. Proof, Notice of Meeting, Rescheduled Water & Sewer Authority Meeting, Friday, August 6, 2004 at 9:00 a.m.
  - e. Proof, Notice of Meeting, Special Meeting of St. Johns County Board of County Commissioners and St. Johns County School Board, Wednesday, July 28, 2004 at 9:00a.m.
  - f. Proof, Notice of Meeting, St. Johns County Board of County Commissioners and of the St. Johns County Community Redevelopment Agency, Tuesday, July 27, 2004 at 9:00 a.m.
  - g. Proof, Notice to Bidders, Bid No. 04-90R
  - h. Proof, Notice of Meeting, Exchange City Property, Tuesday, July 27, 2004.
  - i. Proof, Notice to Bidders, Bid No. 04-83R
  - j. Proof, Notice of Meeting, Workshop of the St. Johns County Board of County Commissioners, FY 2005 SJC Financial Plan, Thursday, July 22, 2004 at 9:00 a.m.
  - k. Proof, Certificate of Liability Insurance, Advanced Disposal Services LLC.
  - l. Proof, Certificate of Liability Insurance, LFI Ft. Pierce, Inc DBA Labor Finders
  - m. Proof, Certificate of Liability Insurance, Shapell's, Inc.
  - n. Proof, Certificate of Liability Insurance, AlphaStaff Group, Inc.

(08/25/04 - 6 - 10:01 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern requested to pull Item 8, and continue it to September 8<sup>th</sup> at 9:00 a.m. and to add for discussion, Summerset Village - Amendment to Resolution No. 2003-181 as Item 16A. Bosanko requested to pull Item 7, and continue it to September 8<sup>th</sup> at 9:00 a.m.

(08/25/04 - 6 - 10:03 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Jacalone, seconded by Bryant, carried 5/0, to approve the Regular Agenda, as amended.** Strickland and MacDonald left the meeting.



(08/25/04 - 7 - 10:03 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE CHAIR TO EXECUTE AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND OMER CAUSEY, ESQUIRE, PROVIDING FOR ADMINISTRATIVE HEARING SERVICES AT A PRE-DETERMINED RATE AS STATED, PLUS THE ACTUAL TRAVEL EXPENSES DEALING WITH INTERCOASTAL UTILITIES, DOCKET NO. 04-0007-0011-0001

Janet Beeson, Court Reporter, was present. John Schwab, Water and Sewer Authority Executive Director, stated that this item was a recommendation and request by the Water & Sewer Authority of St. Johns County that the Board appoint Mr. Causey as the Hearing Officer, to preside over a limited proceeding for the Intercoastal Utilities. Schwab submitted the letter from Michael Burton, Exhibit A. Meiszer voiced his concerns. Schwab responded. Meiszer asked who was paying the attorney fees. Schwab replied that the Authority was paying for the Hearing Officer through the regulatory fees. Jacalone stated that he supported what was being recommended. Bosanko recommended using a specialized Hearing Officer, or stated that the Board could ask Tallahassee to provide some Hearing Officers to consider this case in place of Mr. Causey. He explained the execution of documents. Maguire voiced his concerns. Bosanko replied that they could use this as groundwork for an appeal. (10:21 a.m.) Michael Hunt, Deputy County Attorney, entered the meeting. Maguire stated that he would like to get more information and continue this item to the next meeting. Bryant mentioned that they needed to move forward. Stern suggested moving forward with this item. Bosanko addressed the issue of cost, and suggested to ask for Mr. Causey's clarification of billing costs. Hunt clarified charging for travel time and spoke on using specialized counsel. Schwab spoke on rate changes. (10:36 a.m.) **Motion by Jacalone, seconded by Maguire, to postpone this action until the next County Commission Meeting on September 8th and ask Staff to notify other qualified Hearing Officers that may be a lesser expense.** Schwab asked if the Board wanted him to solicit an accounting firm also.

(10:39 a.m.) Walter O'Rourke, 2315 Club View Ct., urged the Board to adopt the recommendation of the Water & Sewer Authority as presented. (10:40 a.m.) **The motion carried 4/1 with Bryant opposing.**

The meeting recessed at 10:41 a.m. and reconvened at 10:50 a.m. with Hunt leaving the meeting.

(10:51 a.m.) Stern announced that Bosanko had just informed her that their \$41,500,000 bond issue for Capital Projects had closed and the County now had money available.

(08/25/04 - 7- 10:51 a.m.)

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

SIGN FROM THE ROAD, AND (2) THE SPEED LIMIT ON THE ROAD, AND (3) THE VISIBLE IMPACT OF THE SIGN FROM THE NEAREST ROAD, AND (4) THE INTEGRATION OF SIGNS INTO THE ARCHITECTURE OF THE BUILDING (OR STRUCTURE)

Proof of publication of the Notice of Public Hearing on NZVAR 2004-03, Black Forest Stables, was received, having been published in *The St. Augustine Record* on August 10, 2004.

Rosemary Yeoman, Zoning Manager, mentioned that the reason this item was back before the Board was because they had not published the notice in the newspaper the first time. (10:51 a.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to approve NZVAR 2004-03, Black Forest Stables, allowing two signs in OR zoning district 8000 U.S. #1 South finding the request to be in compliance with Land Development Code Section 7.00.02 B and 10.04.03 with the Findings in the packet to support the motion.**

(08/25/04 - 8 - 10:53 a.m.)

3. PUBLIC HEARING - ORDINANCE AMENDMENT TO ARTICLE III OF THE LDC - THE BOARD OF COUNTY COMMISSIONERS (BCC) AND ITS APPOINTED HISTORIC RESOURCE REVIEW BOARD (HRRB) HAVE BEEN DISCUSSING CHANGES TO THE HRRB'S MEMBERSHIP CRITERIA, AS CONTAINED IN ARTICLE III - HISTORIC PRESERVATION REQUIREMENTS, SEC. 3.01.02 OF THE LAND DEVELOPMENT CODE. AT THE MEETING ON JULY 27TH, THE BCC DIRECTED THE STAFF TO PREPARE AN ORDINANCE TO PROVIDE FOR A TOTAL OF NINE HRRB SEATS. IT WAS UNDERSTOOD FROM THEIR PREVIOUS DISCUSSIONS THAT THE EXISTING "ALTERNATE" SEATS WOULD BE CHANGED TO "REGULAR" SEATS, WITH ONE SEAT APPOINTED FROM EACH COUNTY DISTRICT, WHENEVER POSSIBLE

Proof of publication of the Notice of Public Hearing for Amendment to Article III of the LDC was received, having been published in *The St. Augustine Record* on August 11, 2004.

Donna Godfrey, AICP, Senior Planner, stated that this was the Ordinance that the Board requested to be drafted, which was an amendment to the Land Development Code, Section 3.01, to increase the membership of the Historic Resource Review Board from the existing seven members to nine members. (10:54 a.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to approve Ordinance No. 2004-71, amending Section 3.01.02 of the Land Development Code to provide for the appointment of nine Historic Resource Review Board Members.**

#### ORDINANCE NO. 2004-71

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING SECTION 3.01.02 OF ARTICLE III OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE NO. 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS SECTION 3.01.02 OF THE LAND DEVELOPMENT CODE TO DELETE POSITIONS OF TWO ALTERNATE MEMBERS AND ADD FOUR FULL PARTICIPATING AT-LARGE POSITIONS IN THEIR PLACE

(08/25/04 - 9 - 10:55 a.m.)

4. PUBLIC HEARING - APPEAL 2004-01 OF ADMINISTRATIVE INTERPRETATION PERTAINING TO REQUESTED AMENDMENTS TO THE LAND DEVELOPMENT CODE RELATED TO REQUIREMENTS AND QUALIFICATIONS FOR SIGNING AND SEALING CONSTRUCTION PLANS BY CERTAIN PROFESSIONALS, AND REQUESTING ATTORNEY'S FEES AND COSTS - ATTORNEY DEBRA OUSLEY APPEALS TO THE BOARD OF COUNTY COMMISSIONERS (BCC) AN ADMINISTRATIVE INTERPRETATION OF THE LAND DEVELOPMENT CODE (LDC) AS IT RELATES TO CERTAIN PROFESSIONALS SIGNING OR CERTIFYING CERTAIN DOCUMENTS, IN PARTICULAR, LANDSCAPE ARCHITECTS. MS. OUSLEY'S CLIENT IS HILTON MEADOWS, A LANDSCAPE ARCHITECT. SUBSEQUENT TO ISSUANCE OF THE ADMINISTRATIVE INTERPRETATION (LETTER FROM SCOTT CLEM, DIRECTOR OF GROWTH MANAGEMENT SERVICES, DATED MARCH 4, 2004) AND TO THE FILING BY MS. OUSLEY OF THE APPEAL, AMENDMENTS TO THE LDC WERE ADOPTED BY THE BCC ON JUNE 8, 2004. BOTH MS. OUSLEY AND MR. MEADOWS EXPRESSED SATISFACTION WITH THE AMENDMENTS. MS. OUSLEY SEEKS TO PROCEED WITH THE APPEAL IN ORDER TO RECOVER ATTORNEY'S FEES IN THE AMOUNT OF \$16,914.43 AND COSTS OF \$500.00, WHICH WAS THE AMOUNT OF THE FILING FEE FOR THE APPEAL. THERE IS NO PROVISION IN THE LAW TO SUPPORT THIS REQUEST. SINCE THE ISSUES RAISED IN THE APPEAL HAVE BEEN RESOLVED AND ARE THEREFORE MOOT, THE COUNTY ATTORNEY'S OFFICE RECOMMENDS DISMISSAL OF THE APPEAL

Proof of publication of the Notice of Public Hearing on Appeal 2004-01 was received, having been published in *The St. Augustine Record* on August 10, 2004.

Janet Beeson, Court Reporter was present. Laura Barrow, Assistant County Attorney, entered the meeting. Bosanko, County Attorney, reviewed this item, recommending that the appeal be dismissed.

(10:59 a.m.) Debra Ousley, P.O. Box 1417, Winter Park, FL, representing Hilton Meadows, RLA, stated her client's position. She reviewed the issues, Exhibit A. Bosanko disagreed with a number of statements she made and stated that the material he received from her was not ignored. He stated that the law was not clear. Barrow spoke on State Statutes. Ousley commented in rebuttal. Jacalone mentioned that the County does have the authority to have its own land regulations, with discussion following. Ousley disclosed that they had been working with The American Society of Landscape Architects. Stern disclosed having a copy of the email from Ousley that approved the changes made by the County. Meiszer stated that he would not like to see it labeled as a payment for attorney's fees. Bosanko mentioned that the County could pay a claim to prevent future litigation and that the Resolution accommodated the needs of both clients. (11:28 a.m.) **Motion by Jacalone, seconded by Stern, to dismiss Administrative Appeal 2004-01 and to deny request for attorney's fees and costs.**

(11:28 a.m.) Hilton Meadows, 6837 Merrill Rd., Jacksonville, spoke on practicing in St. Johns County. (11:36 a.m.) **The motion carried 4/1 with Meiszer opposing.** Bryant asked if this vote precluded with following up with fact on the insurance settlement. Bosanko replied that it didn't and that he intended to continue working with it.

(11:37 a.m.) Meadow commented on the County having a wonderful Staff that was very competent and congratulated the County's process for development plan review. (11:38

a.m.) Bosanko and Barrow left the meeting and Isabelle Lopez, Senior Assistant County Attorney entered the meeting.

(08/25/04 - 10 - 11:39 a.m.)

5. PUBLIC HEARING - NZVAR 04-0004, WARD/FRUIT COVE ROAD - THIS IS A NON-ZONING VARIANCE REQUEST TO THE PLATTING (SECTION 5.01.01.C.3) AND ACCESS (SECTION 6.04.07) REQUIREMENTS OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED AT 912 FRUIT COVE ROAD AND IS LOT 8, FRUIT COVE TERRACE, AS RECORDED IN MAP BOOK 5, PAGE 13, AND CONSISTS OF APPROXIMATELY 3.5 ACRES. THE APPLICANT WISHES TO DEED ONE ACRE OF LAND TO HER DAUGHTER IN ORDER TO BUILD A HOME ON. SECTION 5.01.01.C.3 OF THE LAND DEVELOPMENT CODE, REQUIRES A RE-PLAT TO DIVIDE A LOT AND SECTION 6.02.01.B.3 PROHIBITS EASEMENTS FOR ACCESS WITHIN A PLATTED SUBDIVISION. THE APPLICANT IS PROPOSING TO DEED OFF THE FRONT PORTION OF THE LOT, 100' X 622', PROVIDING FOR A 30' EASEMENT ALONG THE NORTH SIDE FOR ACCESS TO THE PROPOSED REAR LOT, WHICH IS OCCUPIED BY THE APPLICANT. OTHER THAN THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, STAFF HAS NO FURTHER OBJECTIONS TO THIS REQUEST

Proof of publication of the Notice of Public Hearing on NZVAR 04-0004, Ward/Fruit Cove Road was received, having been published in *The St. Augustine Record* on June 14, 2004.

Richard Tomich, Development Review Chief Engineer, reviewed this item, stating that the applicant would like to deed off the front portion of the lot to her daughter. He stated that the responses were sent out, with fifteen opposed and three in favor of this variance. Maguire asked if the people opposed to the variance gave a reason for the opposition. Tomich responded.

(11:44 a.m.) Patricia Ward, 912 Fruit Cove Road, Jacksonville, spoke on why she wanted to subdivide her lots.

(11:46 a.m.) Don Chenicek, 1122 Secret Oaks Place, Fruit Cove, spoke on what Ward was asking for and stated that they would like to help her achieve what she wants. Ward explained the mobile home issue. Discussion followed on the zoning of the property. (11:56 a.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to approve NZVAR 2004-0004, based upon the evidence provided for all of the Five Findings of Fact in the package.**

(08/25/04 - 10 - 11:56 a.m.)

6. PUBLIC HEARING - PNZVAR 2004-08, ANASTASIA BAPTIST CHURCH FAMILY LIFE BUILDING. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO SECTIONS 3.08.04.C AND 3.08.05.D OF THE LAND DEVELOPMENT CODE (PROVISIONS OF THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT.) THE REQUESTED VARIANCE TO SECTION 3.08.04.C IS TO ALLOW THE SOUTHERN PORTION OF THE BUILDING TO BE THREE (3) STORIES. THE REQUESTED VARIANCE TO SECTION 3.08.05.D IS TO ALLOW RELIEF OF 5'3" INTO THE REQUIRED 50' SIDE YARD SETBACK. THE PROPOSED BUILDING IS TO BE USED AS AN ASSEMBLY TYPE BUILDING LOCATED AT 1650 A1A SOUTH IN THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT. THIS ITEM APPEARED BEFORE THE MID-ANASTASIA DESIGN REVIEW BOARD ON JUNE 10, 2004, AND WAS APPROVED WITH THE FOLLOWING

CONDITIONS: 1.) THE REQUESTED THREE STORIES ARE TO BE INTERNAL  
2.) CONTINGENT UPON APPROVAL OF THE REQUESTED NON-ZONING  
VARIANCE(S) BY THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of the Notice of Public Hearing on PNZVAR 2004-08, Anastasia Baptist Church Family Life Building was received, having been published in *The St. Augustine Record* on August 10, 2004.

(11:57 a.m.) Jacalone left the meeting. Thomas Rensing, 510 North Julia Street, Jacksonville, reviewed this item, stating that they were asking for a 50-foot setback, reviewing the site plans, Exhibit A and Adjacent Property Response Forms, Exhibit B.

(12:04 a.m.) Earl Newton, 480 Lydia Lane, spoke in opposition of this item. Rensing responded to Newton's comments. Lopez recalls there being certain conditions on protecting trees and on the lighting in the area. (12:09 p.m.) **Motion by Maguire, seconded by Stern, carried 4/0 with Jacalone absent, to approve PNZVAR 2004-08, Anastasia Baptist Church Family Life Building, making Findings of Fact to support the motion, with the condition of the three stories being internal.**

7. PUBLIC HEARING - PUD 2004-07, SPANISH CAY - THIS REQUEST SEEKS TO REZONE 39.99 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF 116 SINGLE FAMILY UNITS WITH ASSOCIATED RECREATIONAL AMENITIES. THE SUBJECT PROPERTY IS SITUATED ON THE WEST SIDE OF U.S. 1 ACROSS FROM THE SOUTH ENTRANCE TO ST. AUGUSTINE SHORES. ST. JOHNS COUNTY UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER SERVICE. SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF ALL INTERNAL ROADS WITH THE EXCEPTION OF TALBOT BAY DRIVE. THE PUD PROVIDES FOR 1.42 ACRES OF ACTIVE RECREATION THAT WILL INCLUDE A POOL, A MULTI-PURPOSE FIELD, A PLAY AREA AND A PICNIC AREA. THE PUD WILL HAVE 11.12 ACRES (28%) OF OPEN SPACE CONSISTING OF ACTIVE RECREATION, PRESERVED WETLANDS AND BUFFERS. A 50-FOOT BUILDING SETBACK WILL BE PROVIDED FOR THE 7 LOTS ADJACENT TO THE U.S. 1 RIGHT OF WAY. THE SUBJECT PROPERTY IS DESIGNATED AS MIXED USE LAND USE (13 UNITS PER ACRE) HOWEVER THE PUD HAS A NET DENSITY OF 2.99 UNITS PER ACRE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 15, 2004 HEARING BY A VOTE OF 4/3 WITH THE ONE ADDED PROVISION FOR AN INCREASE FROM A 10 TO A 20 FOOT BUFFER ON THE WEST SIDE OF THE PUD AS OFFERED BY THE APPLICANT

Proof of publication of the Notice of Public Hearing on PUD 2004-07, Spanish Cay PUD was received, having been published in *The St. Augustine Record* on August 6, 2004.

*This item was continued to September 8, 2004.*

8. PUBLIC HEARING - PLNADMAPL 2004-02, STONEGATE ACRES PUD/RANCHO DEL MAR (ADMINISTRATIVE DECISION APPEAL) - ON JULY 11, 2001, THE APPLICANTS REQUESTED A VESTING DETERMINATION FROM THE DENSITY REQUIREMENTS ESTABLISHED IN THE 2015 ST. JOHNS COUNTY COMPREHENSIVE PLAN FOR THE PROPERTY PROPOSED AS THE STONEGATE ACRES PUD. THE SUBJECT PROPERTY CONSIST OF 547 ACRES AND IS CURRENTLY ZONED OPEN RURAL (OR). FORTY ACRES ARE DESIGNATED RESIDENTIAL B AND THE

REMAINING 507 ACRES ARE DESIGNATED RURAL/SILVICULTURE (R/S) ON THE 2015 FUTURE LAND USE MAP. STONEGATE PUD WAS ORIGINALLY SUBMITTED ON AUGUST 6, 1998 AS A PUD PRE-APPLICATION (PUD FILE NO. PA00-044) AND HAS BEEN IN SEVERAL STAGES OF REVIEW SINCE ITS SUBMITTAL. ST. JOHNS COUNTY HAS NOT YET APPROVED THE PUD. WHEN THE PROPOSED PUD WAS SUBMITTED, THE SUBJECT PROPERTY WAS DESIGNATED AS B-RESIDENTIAL ON THE 1990-2005 FUTURE LAND USE MAP THAT WAS IN EFFECT IN 1998 AND THE PROJECT PROPOSED UP TO 443 UNITS OF WHICH UP TO 128 COULD BE MULTI-FAMILY, UP TO 272 COULD BE SINGLE FAMILY AND UP TO 43 COULD BE FARM TRACTS (ESTATE LOTS). THE APPLICANTS STATED THAT THE PROPOSED PROJECT WAS DELAYED DUE TO THE LOCATION OF CHIEF OSCEOLA'S CAPTURE SITE BEING LOCATED ON OR IN CLOSE PROXIMITY OF THE SUBJECT PROPERTY AND AS THIS HISTORIC SITE WAS BEING RESEARCHED, THE COUNTY ADOPTED ITS CURRENT 2015 FUTURE LAND USE MAP WHICH CHANGED THE DESIGNATION OF THE PROPERTY FROM B-RESIDENTIAL TO R/S. ON AUGUST 28, 2001, THE COUNTY ISSUED A LETTER APPROVING THE VESTING REQUEST AND STATED THAT THE PROJECT COULD CONTINUE UNDER THE B-RESIDENTIAL DENSITIES BASED UPON COMMON LAW VESTED RIGHTS WHICH INCLUDED AN ACT OR OMISSION OF GOVERNMENT WHICH THE APPLICANT RELIED UPON IN GOOD FAITH AND SUBSTANTIALLY CHANGED HIS/HER POSITION OR HAS INCURRED SIGNIFICANT EXPENSES IN COMPLIANCE WITH THE ACT OR OMISSION OF GOVERNMENT (SEE ATTACHED LETTER). HOWEVER, THE AUGUST 28, 2001 VESTING LETTER ALSO STATED, "THE STONEGATE ACRES PUD, AS PROVIDED IN PUD FILE NO. PA00-044, ENTITLED STONEGATE ACRES PUD IS VESTED FROM THE REQUIREMENTS OF THE COMPREHENSIVE PLAN FOR THE R/S DESIGNATION. IN THE EVENT THE PROPOSED PUD IS DENIED BY THE BOARD OF COUNTY COMMISSIONERS, THIS VESTING DETERMINATION SHALL NOT APPLY TO OTHER PROJECTS THAT MAY BE PROPOSED ON THE SUBJECT PROPERTY." THE VESTING DETERMINATION WAS VALID FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE AUGUST 28, 2001 (AUGUST 28, 2006). AS MENTIONED, PUD FILE NO. PA00-044 DEPICTED 443 UNITS OF WHICH UP TO 128 COULD BE MULTI-FAMILY, UP TO 272 COULD BE SINGLE FAMILY AND UP TO 43 COULD BE FARM TRACTS (ESTATE LOTS). SUBSEQUENT TO SUBMITTAL OF THE STONEGATE ACRES PUD, THE APPLICANTS REVISED THE SITE PLAN FOR THE PROJECT (SEE ATTACHED) AND IN MAY OF 2004 SUBMITTED A PUD PRE-APPLICATION (PUD/PRD PA 2003-21) FOR THE PROJECT THAT WAS RENAMED RANCHO DEL MAR. RANCHO DEL MAR PROPOSES 778 UNITS, AN INCREASE OF 335 UNITS (75%) OVER THE ORIGINAL STONEGATE ACRES PUD. COUNTY STAFF PROVIDED COMMENTS TO THE APPLICANTS IN JUNE OF 2004. AS OF AUGUST 5, 2004 THE APPLICANT'S HAD NOT SUBMITTED A FORMAL RANCHO DEL MAR PUD FOR REVIEW. ON OR ABOUT APRIL 18, 2004 THE APPLICANTS VERBALLY AND THROUGH EMAIL ASKED THE PLANNING DIVISION TO RECONFIRM THAT THE VESTING AS APPROVED IN THE AUGUST 28, 2001 LETTER, WAS STILL VALID AND THAT THE PARCEL WAS VESTED FOR RESIDENTIAL B LAND USE DENSITIES (SEE ATTACHED EMAIL). ON MAY 19, 2004 THE PLANNING DIVISION ISSUED A LETTER TO THE APPLICANTS STATING THAT THE VESTING LETTER WAS STILL VALID AND THAT THE SITE WAS APPROVED FOR THE 443 UNITS DEPICTED ON THE DRAFT MASTER DEVELOPMENT PLAN SUBMITTED WITH THE STONEGATE ACRES PUD PRE-APPLICATION (PA00-044). THE MAY 19, 2004 LETTER

ALSO STATED THAT THE SUBSEQUENT RANCHO DEL MAR PUD DEPICTING 778 UNITS WAS NOT VESTED AND WAS NOT CONSISTENT WITH THE DENSITIES ALLOWED IN RURAL SILVICULTURE LAND USE AS DEPICTED ON THE CURRENT FUTURE LAND USE MAP. THE APPLICANT'S SUBSEQUENTLY SUBMITTED AN APPLICATION FOR AN APPEAL ON JUNE 18, 2004 THAT IS THE SUBJECT OF THIS AGENDA ITEM

Proof of publication of the Notice of Public Hearing on PLNADMAPL 2004-02, Stonegate Acres PUD/Rancho Del Mar was received, having been published in *The St. Augustine Record* on August 10, 2004.

*This item was continued to September 8, 2004.*

(08/25/04 - 13 - 12:10 p.m.)

9. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR PRAIRIE LAKES PHASE 1

Janet Beeson, Court Reporter, was present. Kathy Nielsen, Applications Review Coordinator, reviewed the request for plat approval for Phase I of Prairie Lakes. Lopez mentioned that there was an error on the Mylar that included an easement that was located due west to the area being platted today and stated that it had been corrected.

(12:12 p.m.) Terry Pacetti, 36 Colony Street, asked the Board to approve the plat. (12:13 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to adopt Resolution 2004-221, approving a Final Plat for Prairie Lakes Phase I.**

#### RESOLUTION NO. 2004-221

#### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA, APPROVING A SUBDIVISION PLAT FOR PRAIRIE LAKES PHASE I

The meeting recessed at 12:13 p.m. and reconvened at 1:33 p.m. with all five Commissioners, Isabelle Lopez, Senior Assistant County Attorney, Adams and Diane Gorski Deputy Clerk, present.

(08/25/04 - 13 - 1:33 p.m.)

10. THIRD QUARTERLY REPORT/PRESENTATION OF THE ST. JOHNS VISION, INC.

John Schwab, Special Project Manager, explained that St. Johns Vision, Inc. was providing the third of four annual reports to the Board as specified in their contract with St. Johns County. He introduced Jim Sutton, Co-Executive Director of St. Johns Vision, Inc., who thanked the county for allowing the visioning group to hold their televised annual meeting in the County Auditorium. He reviewed the groups accomplishments and goals and gave a brief PowerPoint Presentation (Exhibit A) (1:40 p.m.) Barbara Spaulding, 702 Gerona Road, new Co-Executive Director of St. Johns Vision, Inc., introduced herself to the Board and thanked them for their support. (1:43 p.m.) Sutton thanked the Board for their support and explained the importance of the group in conjunction with businesses, Staff and citizens.

(08/25/04 - 13 - 1:43 p.m.)

11. CONSIDER A REQUEST FOR ADDITIONAL FUNDING FOR TOUCHDOWN, ST. JOHNS COUNTY'S SUPER BOWL COMMITTEE, FOR FY 2005

Glenn Hastings, Executive Director of St. Johns County Tourist Development Council, explained that although funds had been set-aside for the Super Bowl, additional funds were needed to cover things beyond the Tourist Development Program. He mentioned the 80% of the request would be for beautification projects and that the remaining 20% would be used for economic development. He asked the Board for feedback. (1:48 p.m.) A discussion relating to the design, life expectancy, maintenance and funding of the beautification projects ensued. (2:16 p.m.) Motion by Maguire, seconded by Bryant, carried 5/0, to recommend additional funding to Touchdown, St. Johns County Super Bowl Committee, for FY 2005, with the provision that the focus is on US 1 North across the street from the airport and State Road 16, to come from the General Fund Reserve. (2:17 p.m.) Stern asked Adams to ensure that funding is included in the Fiscal Year 2006 budget and future years budgets, to maintain the landscaped areas. Meiszer asked Doug Timms, Office of Management and Budget, for clarification on the transfer from reserves. Timms answered that the monies would need to be appropriated in the Fiscal Year 2005 budget.

(08/25/04 - 14 - 2:19 p.m.)

12. CONSIDER A MOTION TO ADOPT RESOLUTION NO. 2004-222, ACCEPTING THE DONATION OF A PARK SITE PER THE ABERDEEN DRI DEVELOPMENT ORDER AS DESCRIBED IN THE WARRANTY DEED

Mary Ann Blount, Real Estate Manager, explained that the donated land would be used as an active County park and that the site would provide eight baseball fields, four soccer fields, parking and retention areas. She stated that the donation would enhance the recreational opportunities of St. Johns County residents and had received the support of the Creeks Athletic Association and the St. Johns County Recreation Advisory Board. (2:23 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2004-222, accepting the donation of a park site per the Aberdeen DRI Development Order as described in the Warranty Deed.**

#### RESOLUTION NO. 2004-222

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA, ACCEPTING A DONATION OF A PARK SITE BETWEEN ABERDEEN AND DURBIN CROSSING DRI PER THE ABERDEEN DRI DEVELOPMENT ORDER**

(08/25/04 - 14 - 2:23 p.m.)

13. CONSIDER A MOTION TO ADOPT RESOLUTION NO. 2004-223, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF APPROXIMATELY 112 ACRES FOR THE NORTHWEST REGIONAL PARK

Mary Ann Blount, Real Estate Manager, explained that this purchase would provide for the Northwest Regional Park. She stated that the park would include ball fields, a dog park, tennis courts, picnic areas, the entrance road, parking, trails and a playground. She mentioned that the Creeks Athletic Association and The St. Johns County Recreation Advisory Board supported the proposed park site. She explained that the wetlands would be flagged and that coordination with the permitting agencies would occur within the due diligence time frame. (2:27 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2004-223, approving the terms and authorizing the execution of the purchase and sale agreement for the acquisition of approximately 112 acres for the Northwest Regional Park.**



RESOLUTION NO. 2004-223

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF APPROXIMATELY 112 ACRES FOR THE NORTHWEST REGIONAL PARK

(08/25/04 - 15 - 2:29 p.m.)

14. A PRESENTATION AND WORKSHOP CONCERNING THE GREENWAY/BLEUEWAY/TRAILS MASTER PLAN

Shorty Robbins, Recreation and Parks Administrative Manager, gave a PowerPoint Presentation that reviewed the Master Plan (Exhibit A). She explained that the multi-use trails included in the plans were for recreational use and were not to be considered bicycle paths, but could be used by bicyclists. She stated that the multi-purpose trail was a wide, paved path, generally located off road, that acts as a recreational feature to connect natural communities, historic sites, park and different physical features. She mentioned that there would be unpaved trails for hiking or equestrian uses and that some of the trails would be co-located for connectivity purposes. Discussion relating to the proposed trails, the purpose of the master plan, funding and coordination with other agencies ensued.

(2:49 p.m.) Bill Jepson, 6337 Costanero Road, spoke in favor of the trail ways and requested that the county add more signage and marked bicycle paths. He announced that St. Johns County ranked third amongst all the counties in Florida for bicycle fatalities and hope that the Board would work towards improving the situation.

(2:50 p.m.) Sumner Gray, 144 Oviedo Street asked for additional bike routes and requested a public hearing to discuss bicycle paths, signage and markings. (2:55 p.m.) Stern mentioned that the trails would be open to bicyclists. Robbins stated that the Florida Department of Transportation was installing bike lanes, markings and signage on all new roads and newly re-paved roads. She stated that the County was working with other agencies throughout the region to identify potential bicycle routes and unify signage and roadway markings. (2:56 p.m.) Discussion ensued.

The meeting recessed at 3:05 p.m. and reconvened at 3:16 p.m. with Michael Hunt, Deputy Attorney replacing Lopez.

(08/25/04 - 15 - 3:16 p.m.)

15. HEALTH AND HUMAN SERVICES ADVISORY COUNCIL WORKSHOP

Ellen S. Walden, Human Services Program Specialist, explained that she provided Staff support to the Social Services Department. She introduced Jack Hardman, District 4, Patrick Acarty, District 3, Gary Powers, District 4, and Dr. Wilson, District 5 on behalf of the council. Wilson reviewed the procedure for funding recommendations to Independent Agencies and Health and Human Services (HHS). He explained that the goal was to establish a dialogue with the Commissioners regarding the funding recommendations made from the HHS. He requested that the Board help develop a standard set of guidelines to assist the HHS in making better funding recommendations. The Commissioners reviewed the packet and discussion ensued.

(3:50 p.m.) Wilson suggested appropriating funds to each Independent Agency in monthly installments. He suggested limiting the total amount of public funding, or

county funding, of any one agency's budget and setting a percentage. Jacalone clarified that the county would provide for the agency's request and that each agency would be limited to a certain percentage. Wilson explained that if a set amount of public funding were designated, no additional monies would be made available to that agency. (3:51 p.m.) Bryant suggested reworking the Public Health Trust Fund Ordinance so that the millage rate could be used to provide a dedicated source of funding for HSS and would also encompass the Health Department, Mental Health, and Independent Agencies. He explained that this option would allow each agency to know what their funding would be each year. (3:53 p.m.) Wilson concurred and explained that this would encourage agencies to do fund raisers. He stated that by not recommending 100% funding to the Independent Agencies, community support would be encouraged. (3:55 p.m.) Bryant left the meeting. Stern requested future discussion on the draw down for service model and requested additional information for the predetermined percentage of an agencies total budget recommendation and what other counties are doing. Discussion continued. (3:58 p.m.) Wilson thanked the Board for their guidance and input and announced that he would present their recommendations at a future Board meeting.

(08/25/04 - 16 - 3:58 p.m.)

16. CONSIDER A MOTION TO ADOPT RESOLUTION NO. 2004-224, APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY, OF ST. JOHNS COUNTY, OF ITS MULTIFAMILY HOUSING REVENUE BONDS (SUMMERSET VILLAGE PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$11,500,000

Dan Bosanko, County Attorney, explained that this request had already been approved by the Board in 2002, but had expired. He explained that the Board was required to approve the Housing Finance Authority Bonds, but was not responsible for the repayment or anything else relating to its issuance. (4:01 p.m.) Meiszer asked if Clay County would be used to issue the bonds. (4:01 p.m.) Tom Crawford, Director of Housing and Community Services and Director of the Housing Finance Authority explained that Clay County was utilized for the single-family home ownership program. Discussion regarding Crawford's role in the Finance Authority ensued. (4:02 p.m.) Jacalone asked if the Housing Finance Authority would issue the bonds for this. Crawford explained that this project was being developed under the Federal Housing Tax Credit Program and stated that all of the housing units would have income restrictions. Jacalone asked if there was any risk to the County. (4:04 p.m.) Jean Mangu, Special Counsel to the County, stated that there was no risk to the County and that the general taxing power of the county was not pledged, and that these were simply conduit bonds that the Housing Finance Authority was issuing and asserted that there was no cost to the county. (4:06 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0, with Bryant absent, to adopt Resolution No. 2004-224, approving the issuance by the Housing Finance Authority of St. Johns County of its Multifamily Housing Revenue Bonds (Summerset Village Project) in an aggregate principal amount not to exceed \$11,300,000.**

#### RESOLUTION NO. 2004-224

**A RESOLUTION APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, FLORIDA, OF ITS MULTIFAMILY HOUSING REVENUE BONDS (SOMERSET VILLAGE PROJECT), IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$11,500,000, THE PROCEEDS OF WHICH WILL BE LOANED TO SUMMERSET VILLAGE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, (THE**

**“BORROWER”, FOR THE PURPOSE OF FINANCING A PART OF THE COSTS OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF AN APPROXIMATELY 216-UNIT MULTIFAMILY HOUSING DEVELOPMENT TO BE OWNED AND OPERATED BY SUMMERSET SENIOR, LLC AND SUMMERSET FAMILY, LLC, EACH OF WHICH IS A FLORIDA LIMITED LIABILITY COMPANY, THE SOLE MEMBER OF WHICH, IS SUMMERSET VILLAGE, LLC, AS DESCRIBED HEREIN; ALL PURSUANT TO CHAPTER 159, PART IV, FLORIDA STATUTES, AS AMENDED**

(08/25/04 - 17 - 4:07 p.m.)

16A. SUMMERSET VILLAGE - AMENDMENT TO RESOLUTION NO. 2004-181

Tom Crawford, Housing Director reviewed the request. (4:10 p.m.) Jacalone asked how the loan would be paid and for clarification on the bond term. Crawford explained that the State Housing Initiative Program (SHIP) loan would be paid after the bond debt was paid in full. (4:11 p.m.) **Motion by Maguire, seconded by Meiszer, carried 4/0, with Bryant absent, amending Resolution 2003-181, with the change that it would be zero percent interest for a period coterminous with FHA bond refinancing with repayment of the SHIP loan when the bonds are refinanced or paid in full.**

#### RESOLUTION NO. 2004-225

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY RESOLUTION 2003-181, AWARDED \$100,000 IN SHIP (STATE HOUSING INITIATIVE PROGRAM) FINANCING TO SUMMERSET VILLAGE LLC, IN ORDER TO PROVIDE 12 VERY LOW INCOME UNITS AND AUTHORIZING THE SHIP ADMINISTRATOR TO PREPARE THE PROGRAM; AUTHORIZING THE SHIP ADMINISTRATOR TO PREPARE THE APPROPRIATE LOAN DOCUMENTS; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE APPROPRIATE LOAN DOCUMENTS**

(08/25/04 - 17 - 4:13 p.m.)

17. A WORKSHOP ON THE PROPOSED ORDINANCE REGARDING DEAD TREES

Dan Bosanko, County Attorney, explained that a private citizen had requested that a county rule be established requiring a private landowner to take down a dead tree before it fell and caused damage. He mentioned that he had worked with Staff to draft an ordinance providing for the removal of a dead tree within the unincorporated areas of the County, if the fall zone encompassed adjacent property or public facilities. He reviewed the proposed ordinance. (4:19 p.m.) Jacalone approved the proposed ordinance and stated that the County would need to police itself if this became law. Stern concurred. (4:20 p.m.) Meiszer supported the ordinance and suggested rewording it so that if any one of the criteria were met the ordinance could be enforced. He asked for clarification of the reference to “any natural person” and wondered if Corporations, Home Owners Associations, private businesses and the like were excluded. Bosanko replied that he would reword the ordinance to include everyone and that he would advertise the ordinance for adoption with the Boards permission. (4:22 p.m.) **The Board granted Bosanko approval to move forward and advertise the ordinance.**

(08/25/04 - 18 - 4:23 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Meiszer

Meiszer requested Adams and Bosanko review the waste hauler contracts and attempt to add curbside glass recycling to the contract. He mentioned that the service should be available to the county at no cost.

Meiszer complimented the City and County Fire Departments on their hard work relating to a merger of both departments. He questioned whether either department should have a veto as to whether or not the merger would come to fruition. He stated that the City and County Commission should make the decision. He stated that the County ran the Emergency Medical Service in the City and that 80% of the Fire calls were emergency medical calls. He also stated that the County ran the Communications Center, which handled all 911 calls.

(4:30 p.m.)

Commission Maguire

Maguire announced that today was the anniversary of the constitutional amendment giving women the right to vote. He reminded everyone to get out and vote on Election Day.

Maguire mentioned attending a ceremony for John D. Rood, the newly appointed U.S. Ambassador to the Bahamas, in Washington D.C. last week.

(4:30 p.m.)

Commissioner Stern

No report.

(4:31 p.m.)

Commissioner Jacalone

Jacalone, on behalf of Commissioner Bryant, presented a CDM proposal for a park design for the Ravenswood Park that is part of the low-income development in the West Augustine area. He explained that the preliminary work on a design had been completed and that CDM would be willing to do the engineering as well.

(08/25/04 - 18 - 4:32 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced the Budget Hearing schedule for September: the first hearing was scheduled for September 22, 2004 at 5:30 p.m., following the regularly scheduled Board of County Commission meeting in the County Auditorium and the second budget hearing was scheduled as a Special Meeting on September 29, 2004 at 5:30 p.m. in the County Auditorium.

(4:33 p.m.) Jacalone introduced CDM representative Don Maurer who reviewed the Ravenswood Park concept and stated that it was consistent with the redevelopment of the West Augustine area. He stated that CDM was eager to assist the County with the project.

(4:35 p.m.) Stern announced that there would be a Community Redevelopment Agency meeting on October 6, 2004 at 6 p.m.

(08/25/04 - 18 - 4:36 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko stated that there was a new funding source available for crime prevention and that the County Commission was charged with disbursing the funds to an appropriate program. He stated that the statute required the Board to consult with the Sheriff and explained that the item would be added to the next agenda.

Bosanko mentioned that Shorty Robbins was working on a grant application with St. Augustine Beach for a park project to build an interactive fountain for children and the public to enjoy. He explained that County Land would be leased to the City of St. Augustine Beach, with the Boards approval and the City of St. Augustine Beach would manage the park. (4:39 p.m.) Jacalone approved of the project and stated that the fountain would be a great thing to have for children to enjoy. Discussion ensued.

Bosanko announced that a closed door County Commission meeting to discuss the Whetstone litigation had been scheduled for 8:00 a.m. on September 22, 2004 in Conference Room A.

(08/25/04 - 19 - 4:42 p.m.)  
CLERK OF COURT'S REPORT

No report.

(4:42 p.m.) Motion by Jacalone, seconded by Maguire, carried 4/0 with Bryant absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 4:42 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 355406 through 355995, totaling \$3,596,565.15 (08/11/04)
2. St. Johns County Board of County Commissioners Check Register, Check No. 355997 totaling \$861.00 (08/17/04)
3. St. Johns County Board of County Commissioners Check Register, Check No. 355998 through 356028 totaling \$44,227.04 (08/19/04)
4. St. Johns County Board of County Commissioners Check Register, Check No. 356029 totaling \$156.00 (08/20/04)
5. St. Johns County Board of County Commissioners Check Register, Check No. 356030 through 356047 totaling \$3,516.28 (08/23/04)

CORRESPONDENCE:

1. A letter to Liz Cloud, Chief Bureau Administrative Code, filing St. Johns County Ordinances Number 2004-65 through 2004-70 (08/16/04)

Approved September 15, 2004

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Karen R. Stern  
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Uwanne King  
Deputy Clerk