

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
SEPTEMBER 15, 2004  
(9:00 A.M.)**

Proceedings of a special 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. The purpose of this meeting is to hold the continued regular meeting of September 8, 2004.

Present were:           Karen Stern, District 2, Chair  
                              Bruce Maguire, District 4, Vice Chair  
                              Nicholas Meiszer, District 1  
                              James E. Bryant, District 5  
                              Marc Jacalone, District 3  
                              Ben W. Adams, Jr., County Administrator  
                              Dan Bosanko, County Attorney  
                              Diane Gorski, Deputy Clerk

(09/15/04 - 1 - 9:02 a.m.)

Stern called the meeting to order.

(09/15/04 - 1 - 9:02 a.m.)

Stern gave the Invocation and Meiszer led the Pledge of Allegiance.

(09/15/04 - 1 - 9:03 a.m.)

ROLL CALL

Stern announced that all five Commissioners were present.

(09/15/04 - 1 - 9:04 a.m.)

PUBLIC COMMENT

John McEvoy, 440 Clearwater Drive, spoke on behalf of the Ponte Vedra United Methodist Church, stating that they were in favor of the County purchasing the Cornerstone Park property because it is a vital part of the Ponte Vedra and Palm Valley area. He mentioned that the Ponte Vedra Methodist Church would like to purchase the existing church facility located on the property and arrangements could be made to share the parking facilities and asked the Board to consider this option.

(9:05 a.m.) Wayne Hickox, 881 Queen Road, announced that all of the radio stations licensed in St. Johns County were not broadcasting during Hurricanes Ivan and Charley because they had no emergency measures in place. He requested that the Commission formulate a resolution mandating that local radio stations provide services during emergency situations.

(9:08 a.m.) Helen Tobey, 205 East Lattin Street, thanked Commissioner Jacalone for his years of dedicated service. She asked why the County was allowing Flagler Hospital to turn away St. Johns County's most needy patients by refusing to accept Baker Acted, suicidal, drug addicted, and alcohol addicted patients. She announced that she had registered as a lobbyist and that she would continue to fight for this cause. She asserted that people who were ill needed to be cared for and treated with compassion and that

there should be no shame involved. She said that the County should be held accountable.

(09/15/04 - 2 - 9:18 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested that Item 9 be pulled and rescheduled if necessary.

(09/15/04 - 2 - 9:18 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

**APPROVED - Wednesday, September 8, 2004. Item will not be readdressed.**

2. Minutes:  
08/25/04 - BCC Regular Meeting

3. Sheriff's Office Bonds:  
Cancel:       Smith, Catherine H.       Maquire, Angela M.  
                  Manning, Albert L.       Bond, Amanda K.  
                  Hall, Mark R.               Williams, Gayle.

4. Motion to adopt **Resolution No. 2004-228**, approving the terms, conditions, provisions, and requirements of St. Johns County's State Aid to Libraries Grant Application, and Grant Agreement, and authorize the Chairperson of the Board of County Commissioners to execute the Grant Application and Grant Agreement on behalf of the County

**RESOLUTION 2004-228**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A STATE OF FLORIDA AGREEMENT, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

5. Motion to adopt **Resolution No. 2004-229**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Unit MUB-4 Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

**RESOLUTION NO. 2004-229**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARSHALL CREEK UNIT MUB-4 SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY**

**ASSOCIATED WITH THE WATER AND SEWER SERVICE**

6. Motion to adopt **Resolution No. 2004-230**, accepting an Easement for Utilities for a water line extension to the South Tract of Six Mile Creek South Subdivision

**RESOLUTION NO. 2004-230**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR A WATER LINE EXTENSION TO THE SOUTH TRACT OF SIX MILE CREEK SOUTH SUBDIVISION**

7. Motion to adopt **Resolution No. 2004-231**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Village Center Unit Three Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

**RESOLUTION NO. 2004-231**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARSHALL CREEK VILLAGE CENTER UNIT THREE SUBDIVISIONS AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM**

8. Motion to adopt **Resolution No. 2004-232**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Subdivision North Loop Road for the offsite utility improvements

**RESOLUTION NO. 2004-232**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES AND WATER AND SEWER SERVICE TO MARSHALL CREEK SUBDIVISION NORTH LOOP ROAD FOR THE OFFSITE UTILITY IMPROVEMENTS**

9. Motion to award Bid No. 04-92, Replacement of Communications Tower for the Fire Rescue Department, to the low bidder, Strategic Communications Services Inc. in the amount of \$59,236.00

*This item was pulled by Adams.*

10. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, GAI/Brett Goddard & Assoc., for the Vilano Town Center Streetscape Design. If an agreement cannot be reached with the No. 1 ranked firm etc., authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until the agreements are reached

11. Motion to adopt **Resolution No. 2004-233**, approving a Final Plat for Port St. John

**RESOLUTION NO. 2004-233**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR PORT ST. JOHN**

12. Motion to adopt **Resolution No. 2004-234**, approving a Final Plat for St. Johns Six Mile Creek North Unit 4, Parcels 19, 20, 24, 25, 26

**RESOLUTION NO. 2004-234**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK NORTH UNIT 4, PACELS 12, 20, 24, 25, 26**

13. Motion to approve the Main Street Grant Contract No. S0550, Addendum and Request for Payment in order to receive the grant award in the amount of \$10,000 and adopt **Resolution No. 2004-235**, authorizing the County Administrator to execute the Grant Contract and related documents on behalf of the County

**RESOLUTION 2004-235**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO COUNTY ADMINISTRATOR TO EXECUTE THE MAIN STREET CONTRACT AND RELATED DOCUMENTS**

14. Motion to authorize the County Administrator or his designee, to transfer \$40,000 from 1191-56330-0865-59923 and \$2,144 from 1191-56330-0865-59927 to 1191-56330-0865-56301 to facilitate Change Order #08 in the amount of \$56,564.86 & Change Order #09 in the amount of \$7,151.00 for the CR A1A Widening project closeout
15. Motion to approve the transfer of \$4,500 from Utility Reserves (4426 - 59920) to County Lab (4414 - 55200) to cover expenditures for the remainder of Fiscal Year 2004
16. Motion to adopt **Resolution No. 2004-236**, terminating the wholesale purchase section of the Interlocal Agreement with the City of St. Augustine

**RESOLUTION NO. 2004-236**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE 1999 SETTLEMENT AND INTERLOCAL AGREEMENT BY SPECIFICALLY AMENDING SECTION 2 OF SUCH AGREEMENT, IN ORDER TO TERMINATE THE CAPACITY PURCHASE OF WATER AND WASTE WATER, AND AUTHORIZING**

THE CHAIRPERSON OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY TO  
EXECUTE THE AMENDMENT TO THE SETTLEMENT  
AND INTERLOCAL AGREEMENT ON BEHALF OF THE  
COUNTY

(09/15/04 - 5 - 9:19 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested that Item 2 be pulled and rescheduled for September 22, 2004 and then asked that Item 19 be pulled and would be addressed at a later date if necessary. Maguire requested that Item 14 be placed before Item Number 7. Stern changed Regular Agenda Item 14 to 6A and asked that it be heard after Item Number 6.

(09/15/04 - 5 - 9:20 a.m.)

APPROVAL OF REGULAR AGENDA

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

(09/15/04 - 5 - 9:21 a.m.)

1. CONSIDER A MOTION TO ADOPT **RESOLUTION NO. 2004-237**, AUTHORIZING THE CHAIR TO EXECUTE AN AGREEMENT THAT PROVIDES FOR ADMINISTRATIVE HEARING SERVICES AT A PRE-DETERMINED RATE AND ACTUAL TRAVEL EXPENSES AS STATED, FOR 2004 INTERCOASTAL UTILITIES LIMITED PROCEEDING, DOCKET NO. 04-0007-0011-0001

John Schwab, Water and Sewer Authority Director, reviewed the request. (9:33 a.m.) **Motion by Bryant, seconded by Jacalone, to adopt Resolution No. 2004-237.** Discussion ensued.

(9:36 a.m.) Martin Friedman, 600 South Northlake Blvd., Attorney for Intercoastal Utilities in the Limited Proceedings case, requested that Mr. Causey not be selected as the Hearing Officer because they felt he would not provide a fair and impartial hearing. He asserted that Intercoastal would be better served by having a Hearing Officer with no prior knowledge of the issue.

(9:41 a.m.) Walter Rohrer, 2315 Clubview Court, President of the Sawgrass Homeowners Association, requested that Omer Causey be hired because of his specific knowledge of the issue.

(9:42 a.m.) Victor Martinelli, 24 Carriage Lane, reviewed the issue and stated that the Water and Sewer Authority and Staff had given great consideration to the proceedings. Martinelli supported hiring Causey as the Hearing Officer for this Limited Proceeding.

(9:45 a.m.) Mike Twomey, P.O. Box 5256, Tallahassee, FL, on behalf of the Sawgrass Association, Inc., explained that the Sawgrass Association was in favor of selecting Causey as Hearing Officer. He explained that Causey was qualified and experienced, and that his familiarity with the case would save time and money. He reviewed the other candidate's qualifications.

(9:50 a.m.) Meiszer asked if Twomey had received the materials he had requested under the public records act. Discussion ensued.

(10:02 a.m.) Steve Reilly, Office of Public Council, spoke in favor of hiring Causey as the Hearing Officer. He stated that Causey was experienced, qualified, competent and fair.

(10:14 a.m.) **Stern announced that there was a motion and a second to adopt Resolution No. 2004-237, authorizing the Chair to execute an agreement between St. Johns County and Omer Causey, providing for Administrative Hearing Services. The motion carried 5/0.**

#### RESOLUTION NO. 2004-237

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR PERSON TO EXECUTE THE LETTER OF ENGAGEMENT BETWEEN ST. JOHNS COUNTY AND OMER CAUSEY FOR APPOINTMENT OF HEARING OFFICER IN DOCKET NO. 04-0007-0011-0001, 2004 INTERCOASTAL LIMITED PROCEEDING**

*Item No. 2 was pulled and rescheduled for September 22, 2004.*

2. UPDATE FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE PROPOSED INTERCHANGE CONNECTION BETWEEN US 1 AND CR 210

(09/15/04 - 6 - 10:14 a.m.)

3. CONSIDER A MOTION TO APPROVE OR DENY THE TRANSFER OF \$22,857.00 FROM GENERAL FUND RESERVES (0083-59920) TO LAW ENFORCEMENT SUBSIDY AID TO GOVERNMENT AGENCIES (0035-58100) FOR THE PURCHASE OF SIX SPEED-MEASURING DEVICES FOR THE STATE HIGHWAY PATROL

Jesse Dunn, Budget Analyst, reviewed the request and introduced Sergeant Etcher, Traffic Homicide Detective for Flagler, St. Johns and Putnam County, Florida Highway Patrol. Sergeant Etcher explained the need for Laser Speed Measuring Devices to increase safety and decrease traffic fatalities.

(10:16 a.m.) Stern requested clarification on the collection of citation dollars and the percentage received by St. Johns County. Etcher answered that Florida Statute 318.21 dictated disbursement of the funds. (10:17 a.m.) Maguire clarified that the \$1,109,020 fines collected were added to the General Fund and Dunn concurred and stated that whatever amount was left over after covering the operations expenses for the Clerk of Courts was given to the County. Maguire asked why the County needed to pay for the devices. Etcher explained that St. Johns County received most of the fine money. Maguire asked if the County had purchased equipment for the Florida Highway Patrol (FHP) in the past and Etcher responded that they had. Etcher reviewed the make and model of the requested laser guns and explained why they had been chosen. He explained that the County Administrator kept a log of all equipment purchased for and used by the FHP and stated that the FHP also kept records. (10:19 a.m.) Jacalone asked Dunn to clarify the fines received by the Clerk of Courts Office. Dunn explained that the Clerk of Court returns all funds not utilized for operations to the county at the end of the year. (10:22 a.m.) Meiszer asked several questions relating to procedure and process. (10:25 a.m.) Bryant asked Bosanko if the purchase of this equipment would need to be handled by the county purchasing department and deferred to Joe Burch. (10:26 a.m.) Adams stated that the proper purchasing procedures would be followed if approved by the Board. Discussion ensued. (10:31 a.m.) **Motion by Bryant, seconded by Maguire, to approve the transfer of funds, from the General Fund Reserves, to Law Enforcement Subsidy Aide to Government Agencies for the purchase of six**

speed-measuring devices following county purchasing policy. Bryant amended the motion to say "to approve the transfer of funds, not to exceed \$22,851", Maguire seconded the amendment and the motion carried 5/0

(10:37 a.m.) The meeting recessed and resumed 10:45 a.m. with Isabelle Lopez, Assistant County Attorney replacing Bosanko.

(09/15/04 - 7 - 10:45 a.m.)

4. PUBLIC HEARING - REZ 2004-02 1855 S.R. 207- THIS REQUEST SEEKS TO REZONE .65 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) AND THERE ARE NO IMMEDIATE PLANS TO DEVELOP THE SITE AT THIS TIME. THE PARCEL IS LOCATED ON THE NORTH SIDE OF S.R. 207 APPROXIMATELY 1/4 MILE WEST OF WILDWOOD DRIVE 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. THE PARCEL ADJACENT TO THE EAST AND NORTH IS OWNED BY FDOT AND IS NOT A RESIDENTIAL USE. THE PARCEL ADJACENT TO THE WEST IS A SINGLE FAMILY USE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 1 AT THEIR AUGUST 5, 2004 MEETING

Proof of publication of Notice of Public Hearing on REZ 2004-02 1855 S.R. 207 was received, having been published in *The St. Augustine Record* on August 20, 2004.

Joe Woodard, 1855 S.R. 207, explained the request. (10:47 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2004-72, known as REZ 2004-02, adopting Findings of Fact, to support the motion 1-4.**

#### ORDINANCE NO. 2004-72

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 AN EFFECTIVE DATE

(09/15/04 - 7 - 10:48 a.m.)

5. PUBLIC HEARING - MAJMOD 2004-11 ISLAND COTTAGES PUD - THIS IS A REQUEST TO MODIFY THE PUD TO ALLOW A 9 FOOT, FOUR INCH HIGH PRIVACY FENCE WITHIN THE SOUTH EDGE OF A 14 FOOT BUFFER LOCATED ALONG THE SOUTH END OF THE PUD. SECTION 2.02.04.B.12 OF THE LAND DEVELOPMENT CODE LIMITS THE HEIGHT OF FENCES TO 6 FEET EXCEPT FOR YARDS WHICH ABUT AN ARTERIAL OR COLLECTOR WHICH THIS DOES NOT, THUS THIS REQUEST FALLS UNDER THE MAJOR MODIFICATION CRITERIA OF THE LAND DEVELOPMENT CODE PER SECTION 5.03.05. APPROXIMATELY ¾ OF THE FENCE HAS BEEN CONSTRUCTED BUT WORK WAS STOPPED ONCE IT WAS REALIZED THAT IT EXCEEDED THE MAXIMUM HEIGHT OF 6 FEET. DUE TO CHANGES IN TOPOGRAPHY, THE BOTTOM OF THE EXISTING 8 FOOT HIGH FENCE IS HIGHER THAN THE ADJACENT GRADE RANGING BETWEEN 6 INCHES TO 1 FOOT 4 INCHES. FENCE HEIGHT IS MEASURED FROM THE LOWEST ADJACENT GRADE THUS THE FENCE IS CONSIDERED TO BE UP TO 9 FEET

4 INCHES HIGH IN SOME AREAS. THE BUFFER IS LOCATED BETWEEN A 16-FOOT ALLEY PROVIDING ACCESS TO GARAGES WITHIN THE PUD AND AN ADJACENT RESIDENTIAL SUBDIVISION LOCATED TO THE SOUTH. THE FINISHED ELEVATION OF THE PUD IS APPROXIMATELY TWO (2) FEET HIGHER THAN THE ADJACENT BUFFER AND FENCE TO THE SOUTH. THE PUD REQUIRES THE BUFFER TO MEET AN 80% OPACITY STANDARD AND TO REMAIN NATURALLY VEGETATED. NO OTHER CHANGES ARE PROPOSED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 1 AT THEIR AUGUST 5, 2004 MEETING WITH THE CONDITION THAT THE FENCE BE NO HIGHER THAN 6 FEET ADJACENT TO LOTS 1 THROUGH 6 AND NO HIGHER THAN 9 FEET ADJACENT TO LOTS 7 THROUGH 10 OF TRADEWINDS SUBDIVISION LOCATED ADJACENT TO THE SOUTH OF ISLAND COTTAGES

Proof of publication of Notice of Public Hearing on MAJMOD 2004-11 Island Cottages PUD was received, having been published in *The St. Augustine Record* on August 20, 2004.

Karen Taylor, 3070 Harbor Drive, representing the applicant reviewed the request. She stated that there had been significant changes in elevation since Tradewinds or Seagate were originally built. She asked if the fence height requirement could be changed to accommodate a six-foot to 9 foot four inch fence elevation, to provide protection to the homeowners. (10:54 a.m.) Maguire requested clarification on the differences in elevation and grades. He asked Bruce Ford, Chief Planner, for the Land Development Code requirement. Taylor stated that the applicant had not been aware of the significant difference in elevation. Maguire asked if there was any opposition by homeowners on Tradewinds Lane and Taylor answered that all of the issues had been resolved. (11:01 a.m.) Meiszer questioned the developer's error in constructing an eight-foot fence. He asked if the difference in elevation were man-made and Taylor stated that it was. (11:07 a.m.) Stern asked if any homeowners were opposed to the fence elevations. Ford answered that there were seven residents in favor of the request. Discussion ensued. (11:12 a.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2004-73, known as MAJMOD 2004-11, Island Cottages PUD, adopting Findings of Fact, to support the motion for the four lots in question.**

#### ORDINANCE NO. 2004-73

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ISLAND COTTAGES PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2003-34, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE**

(09/15/04 - 8 - 11:13 a.m.)

6. PUBLIC HEARING - PUD 2004-15 ABSOLUTE DEVELOPMENT PUD - THIS REQUEST SEEKS TO REZONE 4.06 ACRES OF LAND FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF UP TO 15,000 SQUARE FEET OF RETAIL USES ON PARCEL III. PARCEL I HAS BEEN DEVELOPED WITH A FAST FOOD RESTAURANT (KRYSTAL) AND PARCEL II HAS BEEN DEVELOPED WITH A TIRE KINGDOM. THE REMAINING PARCEL III IS LOCATED AT THE SOUTH END OF THE PROJECT ADJACENT TO ST.



AUGUSTINE SOUTH DRIVE ON US 1 SOUTH. 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 UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR AUGUST 5, 2004 HEARING

Proof of publication of Notice of Public Hearing on PUD 2004-15 Absolute Development was received, having been published in *The St. Augustine Record* on August 20, 2004.

Karen Taylor, 3070 Harbor Drive, reviewed the request. (11:16 a.m.) Jacalone asked the reason to request rezoning since it was already a PSD zoning. Taylor answered that the original PUD stated that the applicant would need to go before the Board for a Major Modification when Phase III was started. She stated that because it had been zoned PSD a rezoning request was necessary and not a Major Modification. (11:14 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2004-74, known as PUD 2004-15 Absolute Development PUD, adopting Findings of Fact to support the motion 1-7.**

#### ORDINANCE NO. 2004-74

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

(09/15/04 - 9 - 11:18 a.m.)

6a. CONSIDER A MOTION TO ADOPT **RESOLUTION NO. 2004-238**, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY KNOWN AS CORNERSTONE PARK

*This item was formerly Item Number 14 on the Regular Agenda.*

Mary Ann Blount, Real Estate Manager, explained that since the New Beginnings Baptist Church had proposed the relocation of the facility, the County had expressed interest in purchasing the property that is also known as Cornerstone Park. She explained that the property was approximately nineteen acres and that the County has been leasing the back thirteen acres since 1993 for an active recreation park with ball fields. She mentioned that the complex contains four baseball diamonds, a football, soccer and lacrosse field and a concession stand and pavilion. She stated that the six acres where the church and educational buildings were located could possibly be used for a future annex or community center. She explained that the purchase of this property would be funded from the Sales Tax Bond Proceeds, as it was included on the approved list of Capital Improvement Projects. She stated that the Ponte Vedra Athletic Association and the Recreation Advisory Board supported the acquisition. She mentioned that the adoption of the resolution would approve the terms of the latest counteroffer draft and that the Church had executed the final contract.

(11:20 a.m.) Barron Bartlett, 185 North Roscoe, on behalf of the New Beginnings Church, thanked the Commissioners for their diligence and stated that they were pleased with the offer and that all of the signatures needed to close the deal had not yet been obtained but that the signed documentation would be forthcoming. Discussion ensued.

(11:25 a.m.) Stern reviewed the lease back provision.

(11:26 a.m.) Clara Cowan, 244 Patrick Mill Circle, spoke in favor of the County acquiring the Cornerstone Park property and asked the Board to consider selling off a portion of the land because space is needed in Ponte Vedra.

(11:27 a.m.) Pam Kessler, 1136 Salt Creek Drive, Ponte Vedra Athletic Association, spoke in favor of the acquisition of the property and thanked the Commissioners for approving the purchase. (11:27 a.m.) **Motion by Maguire, seconded Bryant, carried 5/0, to adopt Resolution No. 2004-238 approving the terms and authorizing the County Administrator to execute a Certain Purchase and Sale Agreement for property known as Cornerstone Park.**

#### RESOLUTION NO. 2004-238

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR ACQUISITION OF PROPERTY KNOWN AS CORNERSTONE PARK**

(09/15/04 - 10 - 11:30 a.m.)

7. PUBLIC HEARING - PUD 2004-07 SPANISH CAY PUD - 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 WHICH WILL INCLUDE A POOL, A MULTI-PURPOSE FIELD AND A PLAY AREA AND A PICNIC AREA. 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 Notice of Public Hearing on PUD 04-07 Spanish Cay was received, having been published in *The St. Augustine Record* on August 6, 2004

Bruce Ford, Chief Planner, announced that the Agenda Cover sheet should state the number of dwelling units as 117.

(11:31) Karen Taylor, 3070 Harbor Drive, reviewed the rezoning request and mentioned that there would be two active area parks that would have recreation fields and playground activities near the entrance to the site and a passive park around the

retention areas to provide walking areas that interconnect with the sidewalks. She stated that there were no waiver requests to the Land Development Code.

(11:35 a.m.) Maguire asked about the payment of impact fees and Taylor stated that the applicant would pay all of the impact fees. Maguire questioned the reference to future access to the north. Taylor explained that the site had been separated due to the amount of wetlands and that the applicant would work to provide interconnectivity. Maguire asked if future access sites would be clearly marked and Taylor concurred. He commented on Paragraph R, Page 9, "project shall be commenced" and requested that a "no earlier than date" be added to the text. Taylor explained that Concurrency Certificates had been issued and that they were only good for two years. Discussion relating to time frames, permitting and interconnectivity within St. Johns County ensued. (11:48 a.m.) Meiszer spoke in favor of an expiration date for developments. Discussion relating to setting a time to begin and end construction of projects occurred.

(11:54 a.m.) Barron Bartlett, 185 North Roscoe Blvd., addressed the Board regarding impact fees, concurrency certification and future planning. (11:57 a.m.) **Motion by Bryant, seconded by Meiszer, carried 4/1, with Maguire opposing, to enact Ordinance No. 2004-75, known as PUD 2004-07 Spanish Cay PUD, adopting Findings of Fact to support the motion 1-7.**

#### ORDINANCE NO. 2004-75

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

(09/15/04 - 11 - 11:58 a.m.)

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, WHICH 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 WHICH IS THE SUBJECT OF THIS AGENDA ITEM

Proof of publication of Notice of Public Hearing on Stonegate Acres was received, having been published in *The St. Augustine Record* on August 10, 2004.

Bruce Ford, Chief Planner gave some background on the project and reviewed the request. Ford reviewed the timeline of the project beginning in 1997 and stated that the basic disagreement between Staff and the applicant was a vesting letter written by the Planning Department in August of 2001. Ford stated that a copy of the letter was included in the packet. He referenced page two of the letter that summarized the

vesting. He explained that the Staff's position was that the letter stated specifically that the applicant was vested for the 443 units that were depicted in the site plan provided during the pre-application phase. He mentioned that the applicant's position was that the letter was vesting the entire project for Residential B and therefore their new Rancho Del Mar site plan that shows the 778 units is consistent with Residential B.

(12:05 a.m.) Jacalone clarified that the acreage had been designated as Residential B before the Future Land Use Map had been amended and Ford concurred.

(12:06 p.m.) Bosanko stated that he had advised Staff of his involvement in the vesting issue over the years and referred the Commissioners to Assistant County Attorney, Isabelle Lopez as impartial legal council. (12:07 p.m.) Jacalone asked Lopez if the county recognized that all 547 acres were previously zoned Residential B and the application that had been previously submitted had never gotten past the pre-application phase and Lopez concurred. Bosanko stated that the Staff's position was that the applicant is vested to the degree that the applicant relied on the old rule. He explained that there was case law in the State of Florida that stated very specifically that if an applicant is relying on a vesting letter it must be very specific as to what is being vested and it is not to be expanded to other boundaries. He asserted that there was no approval for 778 units in 2001 or no contemplation of 778 units by the applicant. He further explained the Staff's position on vesting. (12:11 p.m.) Discussion relating to the vesting letter procedure ensued. Bosanko asserted that the County Legal Department reviewed the vesting letters and that two Department Supervisors signed each letter.

(12:17 p.m.) George McClure, 170 Malaga Street, offered background on the application and explained the reasons for the appeal. He reviewed articles printed in the St. Augustine Record relating to the preservation of the Osceola capture a site.

(12:30 p.m.) Jacalone asked why the development rights were taken away and why the property owner had allowed it. McClure explained that the Mr. Held lived in Broward County and had never received notice of the rezoning. (12:32 p.m.) Meiszer asked McClure what document or action provided his client with vesting. McClure answered that his client had purchased the property when it had been zoned Residential B and that his client had spent nearly \$2,000,000 for planning and engineering, and extending sewer lines based on the reliance of the County's Residential B zoning. Meiszer stated that the issue was to decide to approve 443 or 778 units for the applicant and McClure concurred. He stated that the applicant would like to develop according to the same rules that applied as when they were spending money and that they will comply with Residential B zoning. (12:38 p.m.) Maguire stated that the County handled vesting requests in an appropriate manner. He asked to see documentation supporting the request for 778 units. McClure answered that the original Concurrency Application stated the PUD consisted of 547 acres develop to include up to a maximum of 788 residential units. He explained that they had received a concurrency determination of 443 units based on the pre-application and that it had only been a concept at that time. He further explained that the applicant had been told to wait until the Osceola issue had been resolved and reiterated that the request had not gone through the Planning and Zoning Agency or any other phases. (12:42 p.m.) Maguire stated that he could clearly see the intent to build 443 units but not 778 units. Discussion relating to the intended number of units ensued. (12:48 p.m.) Jacalone asked if there were any laws enacted that required the county to restore the Future Land Map Designation and McClure answered no. Jacalone stated that the recommended number of units was directly related to the original request. Jacalone stated that this request would require the Board to make a change in the Comprehensive Plan. Bosanko explained that the vesting rule would allow the change without changing the Comprehensive Plan (12:45 p.m.) Teresa Bishop mentioned that when Staff does a vesting a Comprehensive Plan

change does not occur, but that Staff reviews appraisal reports over a seven-year period and other vesting determinations.

(12:46 p.m.) Michael Held, Applicant, explained the original pre-application request for a specific number of units. George McClure cross-examined his client.

(12:50 p.m.) Jacalone asked if the sewer line extension that extends from U.S. 1 provided by the applicant, benefited him in any way. Held answered that others had benefited from the sewer line extension. (12:51 p.m.) Maguire asked if during negotiations for the installation of the utility lines it was stated that capacity would be for 788 units and Held answered that it had and that currently only 85 units were being serviced by the utility lines. (12:52 p.m.) Meiszer asked if the Osceola site was located on this property and Held answered that the location had not yet been determined. (12:53 p.m.) Maguire asked Bishop if utility documents had shown intent to service 788 units and Bishop explained that she had not seen documentation. (12:55 p.m.) McClure asked for time to gather additional utility information and to return to the Board on October 6, 2004. (12:56 p.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to continue this item, the Administrative Appeal on Stonegate Acres PUD Rancho Del Mar until the October 6, 2004 Board of County Commissioner's Meeting.**

The meeting was recessed at 12:57 p.m. and reconvened at 1:41 p.m. with Stern, Maguire, Jacalone, Bryant, Meiszer, Adams, Bosanko and Deputy Clerk Lenora Newsome present.

(09/15/04 - 14 - 1:41 p.m.)

9. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE NON-AD VALOREM ASSESSMENT ROLL FOR THE PONTE VEDRA WASTEWATER VACUUM SEWER PROJECT, PURSUANT TO RESOLUTION 2002-245, AUTHORIZING THE CHAIRPERSON TO CERTIFY AND DELIVER THE 2004/2005 ASSESSMENT ROLL TO THE ST. JOHNS COUNTY TAX COLLECTOR

John Schwab, Special Projects Manager, expressed that he needed to add two other special assessments that he just distributed, to this agenda item; the Solid Waste Assessment and the MSBU Road Maintenance Assessment. (Exhibit A) Stern asked if the recommended motion listed covered everything. Schwab replied that he checked with the County Attorney and that they were allowed to use the previous Resolutions that were utilized last year, as long as the dollar assessment did not change. He stated that the first part of this agenda item was the Non-Ad Valorem Assessment for the Ponte Vedra Sewer Project with an adjustment to the Roll. There was a Resolution allowing this assessment to be placed on this year's Non-Ad Valorem Assessment Roll with the Roll attached. (1:44 p.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2004-239, approving the Non-Ad Valorem Assessment Roll for the Ponte Vedra Wastewater Vacuum Sewer Project Pursuant to Resolution No. 2002-245, authorizing the Chairperson to certify and deliver the 2004/2005 Assessment Roll to the St. Johns County Tax Collector.**

#### RESOLUTION NO. 2004-239

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ASSESSMENT ROLL FOR THE PONTE VEDRA WASTEWATER ASSESSMENT AREA ESTABLISHED PURSUANT TO ORDINANCE NO. 2002-55; ESTABLISHING THE LIEN ASSOCIATED

**THEREWITH; DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED TO THE ST. JOHNS COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE**

Schwab stated that the second part to this item was the approval of the 2004/2005 Non-Ad Valorem Assessment Roll for the Solid Waste MSBU'S and the Road Maintenance MSBU'S (Exhibit B). He mentioned that the Resolution that was predicated last year would suffice for this year's Resolution with none of the dollar assessments being changed from last year. Maguire asked if this item included curbside glass recycling. Schwab responded no. Discussion followed on curbside glass recycling. Schwab mentioned that September 15<sup>th</sup> (today) was the deadline to transmit this assessment to the Tax Collector's Office. (1:50 p.m.) Michael Hunt, Deputy County Attorney, entered the meeting. Stern asked Schwab to bring a thorough report back to the Board on curbside glass recycling. (2:10 p.m.) **Motion by Bryant, seconded by Jacalone, carried 3/2 with Meiszer and Maguire opposing, to approve the Non-Ad Valorem Assessment Rolls and Annual Assessment Rates for Solid Waste MSBU's and Road Maintenance MSBU's and authorize the Chairperson to certify and deliver the 2004/2005 Assessment Rolls to the St. Johns County Tax Collector.**

(09/15/04 - 15 - 2:11 p.m.)

10. CONSIDER A MOTION TO APPROVE OR DENY THE TRANSFER OF \$519,593.00 FROM THE GENERAL FUND RESERVE TO THE MENTAL HEALTH FUND

Dr. Maria Colovito, Mental Health Director, reviewed the Transfer Request Form (Exhibit A) stating that the \$351,066 had already been billed to the State, but they did not expect to get it back by September 30<sup>th</sup>, so that was why that amount was included in the transfer request. She stated that they billed clients now and had received their new computers on April 14.

(2:16 p.m.) Nancy Wilson, St. Johns County Mental Health Department, reviewed the budget amounts for client medications and hospitalization. Discussion followed on the high cost for client medication, and the budget amounts for hospitalization. Colovito suggested having a workshop on Mental Health. She mentioned, on October 11, the Mental Health Providers in the District would be speaking with the local delegation on this issue. Bryant stated that the discussion needed to go beyond this Board, it needed to be on the level of the State.

(2:42 p.m.) Jesse Dunn, Office of Management and Budget, spoke on having to come back to the Board to ask for additional funds at the end of the year. Colovito spoke on the State's reimbursement system. (2:48 p.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to approve the transfer of \$636,597 from the General Fund Reserve to the Mental Health Fund.**

(09/15/04 - 15- 2:49 p.m.)

11. UPDATE AND BRIEFING OF BEACH USAGE WITH EMPHASIS ON BEACH PARKING, OFF BEACH PARKING, AND BEACH TOLLS

Dave Williams, Aquatics Superintendent, stated that this was a continuation of a presentation that he gave in May of this year. (Exhibit A) He spoke on increases and where the money goes, and on beach toll collections and the toll collection system. Bosanko asked how much ad Valorem money was spent on beaches. Williams replied on the term of beach services, virtually none. Bosanko replied yes to the question, that non-residents of a county could be charged more to use the beaches than residents, if certain requirements were met. He stated that they are here today for Board direction

on what to do next. Bosanko spoke on charging a surcharge to non-residents to go on the beach. Williams stated that was why a pre-season rate was offered, to give locals a break. Stern mentioned that she would like to see Williams come back with a plan that the Board could make a decision on. She also spoke on off-beach parking and lifeguard services.

(3:14 p.m.) Robert Samuels, 110 Mickler Blvd., voiced concern about off-beach-parking. Williams addressed the concerns of Mr. Samuels. Meiszer posed several questions of Williams, to which he responded. (3:29 p.m.) Bosanko left the meeting.

(3:31 p.m.) Dale Rosenstock, 57 White Court, spoke on the beach erosion around the pier area, providing pictures, Exhibit B. (3:31 p.m.) Jacalone left the meeting.

(3:37 p.m.) Lester Payne, 702 Mickler Blvd., spoke on having access to the beach. He stated that his property had a lot of cars and trash on it during the weekends from the beach goers. (Exhibit C)

The meeting recessed at 3:41 p.m. and reconvened at 3:51 p.m.

(09/15/04 - 16 - 3:51 p.m.)

12. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH ARCHITECTS DESIGN GROUP, INC. FOR A TOTAL FEE NOT TO EXCEED \$114,900.00 FOR RFQ 04-84 DESIGN SERVICES FOR ST JOHNS COUNTY FACILITIES MAINTENANCE HEADQUARTERS AND SHOP

Mike Rubin, Director Construction Services, mentioned that he would address Items 12 and 13 in the text and stated that he would then talk about the details of each one. He stated that this was for two projects: the St. Johns County Facilities Maintenance Headquarters and Shop, and for a new Growth Management Permit Center. Meiszer asked what would be the advantages to getting a design build and pre-engineered building to serve this purpose as opposed to a conventional construction with architects. Rubin responded that in this particular case no, because this would be a pre-engineered building anyways. Maguire asked Rubin to explain the sliding fee and Rubin explained it. (3:55 p.m.) **Motion by Bryant, seconded by Meiszer, carried 4/0 with Jacalone absent, to authorize the County Administrator, or his designee, to enter into a contract with Architects Design Group, Inc. for a total fee not to exceed \$114,900 for RFQ 04-84 Design Services for SJC Facilities Maintenance Headquarters & Shop.**

(09/15/04 - 16 - 3:56 p.m.)

13. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH CRG ARCHITECTS PLANNERS, INC. FOR A TOTAL FEE NOT TO EXCEED \$380,000.00 FOR RFQ 04-84 DESIGN SERVICES FOR NEW GROWTH MANAGEMENT PERMIT CENTER

Rubin reviewed the design fees for this item. (3:57 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to authorize the County Administrator or his designee, to enter into a contract with CRG Architects Planners, Inc. for a total fee not to exceed \$380,000 for RFQ 04-84 Design Services for new SJC Growth Management Permit Center.**

14. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE



A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY KNOWN AS CORNERSTONE PARK

*This agenda item was renumbered as agenda item #6A.*

(09/15/04 - 17 - 3:57 p.m.)

15. REPORT ON CURRENT FIREWORKS REGULATIONS

Frank McElroy, Fire Marshal, reported on current fireworks regulations and reviewed the current laws covering fireworks. (4:02 p.m.) Bosanko re-entered the meeting.

(4:03 p.m.) Chuck Mulligan, Sheriff's Office, spoke on fireworks being legal or not, and what sort of activities the Sheriff's Office had been taking with regards to fireworks displays. McElroy continued with the discussion on fireworks stating different ways that other local jurisdictions had addressed the issue. Discussion followed on the two Ordinances in the packet, why people called and complained about fireworks, and sales restriction orders. Hunt spoke on the sale of fireworks. Meiszer stated that the setting off of fireworks should be illegal in the county, unless proper permits had been issued. Stern mentioned that she would be more to addressing it at the point of sales, rather than the user. Stern asked the County Attorney's Office to look into it and Hunt replied that he would. McElroy suggested tabling this issue and getting more information. (4:28 p.m.) Hunt left the meeting.

(09/15/04 - 17 - 4:29 p.m.)

16. CONSIDER AN APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item. (4:30 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone absent, to reappoint Ms. Shirley Vellis to the Code Enforcement Board for a three-year term scheduled to expire September 4, 2007.**

(09/15/04 - 17 - 4:30 p.m.)

17. CONSIDER APPOINTMENTS TO THE HOUSING FINANCE AUTHORITY

Lundquist reviewed this item. (4:31 p.m.) **Motion by Meiszer, seconded by Maguire carried 4/0 with Jacalone absent, to appoint John Chapman to the Housing Finance Authority for a full four-year term scheduled to expire March 10, 2008.** (4:33 p.m.) **Motion by Stern, seconded by Bryant, carried 4/0 with Jacalone absent, to appoint Linda DeGrande to the Housing Finance Authority for a partial term scheduled to expire March 13, 2005.**

(09/15/04 - 17 - 4:33 p.m.)

18. CONSIDER MOTION TO APPROVE THE FT. MOSE MANAGEMENT PLAN AS SUBMITTED TO FLORIDA COMMUNITIES TRUST

Shorty Robbins, Administrative Manager, Recreation and Parks, stated that Fort Mose was pre-acquired in 2003 by the County and that they applied for a Florida Community Trust (FCT) Reimbursement Grant for the property. The Management Plan that they submitted was a requirement for that reimbursement. The Management Plan had already been approved by FCT, incorporated by the State Park Service into their Management Plan. Maguire asked about the plan already being incorporated into the State Plan, and not yet approved by the BCC. Robbins responded. Discussion followed on the Grant Contract. (4:37 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to approve the Ft. Mose Management Plan as submitted to Florida Communities Trust.**

19. STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) ANNUAL REPORT

*This Item was pulled from the Regular Agenda and would be scheduled for a future meeting.*

(09/15/04 - 18 - 4:38 p.m.)

20. CONSIDER MOTION TO APPROVE OR DENY THE TRANSFER OF \$300,000 FROM THE GENERAL FUND RESERVE (0001-0083-59920) TO THE LIBRARY EXPANSION FUND (3333-38101)

Mary Jane Little, Library Director, stated that they were asking for a temporary loan of \$300,000 from the General Fund to cover their bills until the grant comes in from the State, in which the \$300,000 would be reimbursed back to the General Fund. (4:39 a.m.)

**Motion by Bryant, seconded by Stern, to approve the transfer of \$300,000 from the General Fund Reserve (0001-0083-59920) to the Library Expansion Fund (3333-38101).**

Maguire asked about the money already being spent. Dawn Cardenas, Office of Management and Budget, replied that it was a reimbursable grant, so they had to spend the money to get the money. Discussion followed on what the money was spent on. (4:43 p.m.) **The motion carried 4/0 with Jacalone absent.**

(09/15/04 - 18 - 4:43 p.m.)

COMMISSIONER REPORTS

Meiszer received a written request from Mr. Don Beattie, who believed that the Board agreed to have a workshop to discuss transportation plans and his allegation was that there was no plan. Meiszer suggested scheduling a time to discuss the specifics on growth plans and how they are implemented. Stern agreed and asked Adams to schedule a workshop. Adams stated that it would take approximately two hours and he would schedule a date for it.

(4:47 p.m.)

Commissioner Maguire:

Maguire commented on how well the EOC operations and the County Staff did during the hurricanes and storms.

(4:48 p.m.)

Commissioner Stern:

Stern spoke on the operations at the EOC and how well everyone did. She spoke on the lack of response from FPL. She suggested placing on the agenda, a discussion on how to better service the community during a power outage and mentioned that the County needed a pet friendly shelter during the storms.

Stern received a phone call from the secretary of the Department of Community Affairs in Tallahassee, congratulating St. Johns County on getting approved for the Housing CDBG Grant for \$750,000. Meiszer spoke on the lack of cooperation from FPL.

(4:55 p.m.)

Commissioner Bryant:

Bryant commented on comments about Flagler Hospital that were made at the morning's BCC meeting regarding Flagler Hospital getting out of the Baker Act Receiving Facility Business.

Bryant spoke on the Transportation Plans.

(4:58 p.m.) Deputy Clerk Lenora Newsome left the meeting, and Deputy Clerk Yvonne King entered the meeting.

(09/15/04 - 19 - 4:58 p.m.)

COUNTY ADMINISTRATOR REPORT

Adams spoke on the hurricane regarding the lack of a media outlet and the FPL problems. (5:00 p.m.) Maguire left the meeting. Adams addressed the debris cleanup from the hurricane.

(5:01 p.m.) Joe Stephenson, Public Works Director, further addressed the debris cleanup.

(09/15/04 - 19 - 5:08 p.m.)

CLERK OF COURT'S REPORT

No report.

(09/15/04 - 19 - 5:08 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko stated that the County might need another seven-day extension for this emergency.

Bosanko spoke on one of the Emergency Agencies offering RV's to the County to be placed on lots for people who could not use their homes because of the hurricanes.

Bosanko mentioned that they are working out a glitch regarding the Sales Tax Bond issue.

Bosanko requested a budget adjustment regarding the County losing the sign case and needing to pay the appeal.

Bosanko requested permission to publish an RFQ for legal aid.

(09/15/04 - 19 - 5:15 p.m.)

CLERK OF COURT

No report.

**Motion by Bryant, seconded by Stern, carried 3/0 with Jacalone and Maguire absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 5:15 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check Number 356587 through 356610 totaling \$29,698.73 (09/01/04)
2. St. Johns Board of County Commissioners Check Register, Check Number 356612 through 356616 totaling \$133,588.43 (09/02/04)
3. St. Johns Board of County Commissioners Check Register, Check Number 356617 through 356633 totaling \$2,801.53 (09/02/04)
4. St. Johns Board of County Commissioners Check Register, Check Number 356634 through 357112 totaling \$4,301,885.31 (09/09/04)
5. St. Johns Board of County Commissioners Check Register, Check Number 357113 through 357143 totaling 45,302.26 (09/14/04)

CORRESPONDENCE:

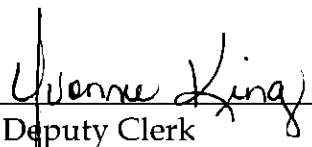
1. Letter dated August 24, 2004 to Mr. Tucker, Department of Environmental Protection, regarding executed original Project Agreement Amendments entered into on May 16, 2000 and amended on March 12, 2002 between the Florida Department of Environmental Protection and St. Johns County
2. Letter dated August 27, 2004 to the Department of State, Bureau of Administrative Code filing St. Johns County Ordinance Number 2004-71

Approved October 6, 2004

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

