

**MINUTES OF SPECIAL/REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
OCTOBER 6, 2004  
(8:00 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.

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

(10/06/04 - 1 - 8:05 a.m.)

Chair Stern called the special meeting to order.

1. 8:00 A.M. - CLOSED SESSION - THIS IS A PRIVATE ATTORNEY - CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT WHETSTONE V. ST. JOHNS COUNTY, ET AL. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M. CONFERENCE ROOM "A" HAS BEEN RESERVED FOR THIS MEETING

Proof of publication of Notice of a Special Meeting and Private Meeting of the Board of County Commissioners, of St. Johns County Florida, was received, having been published in The St. Augustine Record, on September 22, 2004.

Dan Bosanko, County Attorney, stated that Commissioners Stern, Maguire and Meiszer were present with Bryant and Jacalone absent. He requested advice from the Board concerning the lawsuit Whetstone v. St. Johns County, et. al. Case No.: CA 98-1501, in the Circuit Court, Seventh Judicial Circuit, in and for St. Johns County, Florida and stated that Florida Statute 286.011 allowed the Board to hold a private meeting in order to provide advice.

Stern announced commencement of the Closed Attorney/Client Meeting at 8:10 a.m. to be held in Conference Room "A". She stated that Karen R. Stern; Bruce A. Maguire; Nicholas M. Meiszer; Marc A. Jacalone; Ben W. Adams, Jr.; Daniel J. Bosanko, Esquire; Stephen Gallagher, Esquire, special counsel to the Board; and the Court Reporter would be in attendance, Bryant was absent and Jacalone would arrive shortly. Stern moved the closed meeting and all attendees into Conference Room "A".

(8:11 a.m.) Jacalone entered the meeting.

(10/06/04 - 1 - 8:56 a.m.)

Chair Stern reconvened the Special Meeting and announced the termination of the Closed Attorney/Client Settlement Meeting and then adjourned the Special Meeting.

(10/06/04 - 2 - 9:02 a.m.)

Stern called the Regular Meeting to order.

(10/06/04 - 2 - 9:02 a.m.)

Maguire gave the Invocation and Jacalone led the Pledge of Allegiance.

(10/06/04 - 2 - 9:04 a.m.)

PROCLAMATION DESIGNATING OCTOBER 2004 AS DOMESTIC VIOLENCE AWARENESS MONTH

Jacalone read the proclamation.

(10/06/04 - 2 - 9:07 a.m.)

ACCEPTANCE OF THE PROCLAMATION

Joyce Maur thanked the Board for recognizing the impact domestic violence has on the community.

**(9:09 a.m.) Motion by Stern, seconded by Jacalone, carried 4/0, with Bryant absent, to accept the Proclamation designating October 2004, as Domestic Violence Awareness Month.**

(10/06/04 - 2 - 9:10 a.m.)

PUBLIC COMMENT

Joyce Hummel, Anastasia Mosquito Control District Board Member, introduced Steve McEvoy, acting Director of the Anastasia Mosquito Control District. McEvoy introduced Mike Towle, Environmental Manager, St. Johns County Health Department who explained the reason for the recent aerial spraying and the Communicable Disease Center Study (CDC) that was recently conducted to the Board. Towle explained that due to recent storm events, the State had contacted the St. Johns County Health Department and mentioned that the County was on the aerial spray list and had requested that St. Johns County take part in their study because Marion County had originally been designated for the study, but due to hurricane damage they were unable to participate. He further explained the situation. (9:18 a.m.) Stern mentioned that she had not received any information regarding the study and requested that in the future, more advance notice be given to the County, other entities and the community so that everyone could be properly noticed. (9:21 a.m.) Dr. Alan Becker, Department of Health, Division of Environmental Health, explained that they had completed the study and that they were in the process of collecting the data. He explained that residents had been provided with information regarding the study and that staff, armed with their government Identification Badges, had gone door-to-door providing information. (9:22 a.m.) Jacalone asked what the Department of Health was looking for post-study. Becker answered that the Department needed more participants to prove that there were no adverse affects related to the spraying.

(9:24 a.m.) Don Beatty, 808 Mill Pond Court, announced that the County was faced with overcrowded schools and overcrowded roads. He asked the Board to insist upon School concurrency. He requested that a County Transportation Plan be provided to the residents and that the Board organize a public workshop. (9:28 a.m.) Stern asserted that a workshop would be forthcoming.

(9:29 a.m.) Tina Wilson and Bertha Bennett, 125 F International Golf Parkway, stated that the County's Comprehensive Plan disallowed the replacement of their residence which was destroyed in a fire. Wilson asked the Board to allow them to rebuild their

home. (9:31 a.m.) Maguire stated that he supported the request but did not support waiving the fees. (9:32 a.m.) Jacalone asked Adams to direct Staff to assist the Wilson's in rebuilding their home and Stern concurred. (9:33 a.m.) Bosanko stated that he would help as much as necessary and explained that a small scale comprehensive plan amendment might be necessary. He said that he would further analyze the situation and work with Staff towards a resolution.

(9:34 a.m.) Helen and Rex Tobey, 205 East Lattin Street, stated that they had been evacuated five times in three weeks due to hurricane related issues. She said that she had been hospitalized, and that she and her son had also been in a serious car accident. She said that Dr. Marathe and his staff had informed her that she was out of remission again and that she was in deep trouble medically. She explained that Dr. Marathe and many other people were helping her make some difficult decisions and that she had given her power of attorney to Joyce. She said that one of the things that had been suggested was obtaining a helper dog to assist her and her son who was acting as her caretaker and stated that she had found the perfect animal at the St. Augustine Humane Society and that they were having difficulty getting the dog released to them and she requested Adams to direct the Humane Society to release the dog to their care. (9:41 a.m.) Rex Tobey pleaded for Adams to get the dog for them. He asked for help. (9:42 a.m.) Helen Tobey said that the Hastings Medical Clinic and the Library was the hub of the community. She said that could not believe that the Council on Aging no longer had facilities in Hastings. She asserted that the Hastings Medical Clinic was working hard to meet the monumental health needs of the community. She stated that she would not deal with the Town of Hastings and that she chose to deal with the Health Department regarding health related issues and hazards. She asked the Board to support the Hastings Medical Clinic and said that the County was getting its monies worth and that the clinic was keeping her alive. She explained that the doctors had visited her at home and provided her with medicine and provided excellent care. She thanked Dr. Maria Colavito, Director of Mental Health, Gloria Benischeck, the Health Department, County Staff and Ron Brown for being a wonderful support system. She said that Colavito, Benischeck and others were working hard to provide health care to the residents of Hastings, which has been tragically under served for years. She told the Board that they needed to be proud of the Hastings Medical Clinic because it was meeting the needs of at risk people in a very compassionate and admirable way. She asked Stern to help them deal with the Town of Hastings.

(9:46 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., said that he had made several public records requests to the Transportation Department, since August 5, 2004 and that County Staff continuously directed him to review the Comprehensive Plan. He said that the Comprehensive Plan was not solidified enough to resolve traffic issues and asked when there would be a solid Comprehensive Transportation Plan. (9:50 a.m.) Stern stated that a list of transportation projects would be forthcoming and a workshop would be scheduled in the near future. (9:52 a.m.) Meiszer said that a list of projects was not a plan and that a plan needed a timetable, financing tables and a schedule. He said that a plan needed to be adopted by the Board and implemented by the Staff. He mentioned receiving many calls from residents complaining about the traffic. He said that he advocated the identification of projects by priority, and suggested placing a 1% sales tax on the ballot to cover transportation improvements and then allowing the public to decide. (9:56 a.m.) Van Ghent concurred with Meiszer and stated that a plan did not exist. Stern asserted that a plan would be formally adopted in the near future. (9:57 a.m.) Bosanko explained that a plan was a matter of definition and said that the County had met the criteria set forth by State Law. He said that it was a matter of judgment for the Commissioners to consider all aspects of the plan.

(10/06/04 - 4 - 9:57 a.m.)  
DELETIONS TO CONSENT AGENDA

Adams requested that Item #20 be rescheduled to October 20, 2004 and Maguire asked that Item #4 be heard at 1:30 p.m. to allow him time to review the original contract.

(10/06/04 - 4 - 9:59 a.m.)  
APPROVAL OF CONSENT AGENDA

**Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to approve the Consent Agenda as amended.**

1. Approval of the Cash Requirement Report

2. Minutes:  
09/15/04 - BCC Regular Meeting

3. Sheriff's Office Bonds:

Approve: Steve Brown                      Cancel: Bobby White  
            Kimberly A Teira

4. Motion to adopt a Resolution accepting the terms of an Agreement Amendment between the Florida Department of Children and Families and St. Johns County, and authorizing the County Administrator to execute the Agreement on behalf of St. Johns County

*This item was moved to the Regular Agenda as Item #15a.*

5. Motion to adopt **Resolution No. 2004-267**, accepting the terms of an Agreement between Mental Health Resource Center and St. Johns County, and authorizing the County Administrator to execute the Agreement on behalf of St. Johns County

**RESOLUTION NO. 2004-267**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE CONTRACT WITH MENTAL HEALTH RESOURCE CENTER**

6. Motion to adopt **Resolution No. 2004-268**, accepting the terms of an Agreement between the County and Bernice Parker-Bell (Intern) and authorizing the County Administrator to execute the Agreement on behalf of the County

**RESOLUTION NO. 2004-268**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE CONTRACT WITH BERNICE PARKER-BELL (INTERN)**

7. Motion to adopt **Resolution No. 2004-269**, accepting three Easements for Utilities to install a water main to provide water service to First Coast Metropolitan Community Church

**RESOLUTION NO. 2004-269**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THREE EASEMENTS FOR UTILITIES TO INSTALL A WATER MAIN TO PROVIDE WATER SERVICE TO FIRST COAST METROPOLITAN COMMUNITY CHURCH**

8. Motion to adopt **Resolution No. 2004-270**, authorizing the Clerk of Circuit Court, to file the survey map for Hannah Street, claiming a vested interest in St. Johns County in the rights-of-way described in this survey by prescriptive rights of the public in accordance with the principles set forth in Downing V. Bird, 100 Sq.2d 57 (Fla. 1958)

**RESOLUTION NO. 2004-270**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR HANNAH STREET, CLAIMING A VESTED INTERESTED 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, 100 SO.2D (FLA. 1958)**

9. Motion to adopt **Resolution No. 2004-271**, accepting an Easement for Utilities to provide water service to Villa's of San Marco Apartments located off Old Moultrie Road

**RESOLUTION NO. 2004-271**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICES TO VILLA'S OF SAN MARCO APARTMENTS LOCATED OFF OLD MOULTRIE ROAD**

10. Motion to adopt **Resolution No. 2004-272**, accepting an Easement for Utilities to provide water service to Old City Development, located on US# 1 South and a Bill of Sale conveying all personal property associated with the water system

**RESOLUTION NO. 2004-272**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE FOR OLD CITY DEVELOPMENT, LOCATED ON US #1 SOUTH, AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM**

11. Motion to adopt **Resolution No. 2004-273**, accepting three Easements for Utilities for water and sewer service to Marshall Creek Unit EV-10, Unit MUB-2, and North Loop Parkway. Subdivisions and three Bills of Sale conveying all personal property associated with the water and sewer system

**RESOLUTION NO. 2004-273**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THREE EASEMENTS FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARSHALL CREEK UNIT EV-10, UNIT MUB-2, AND NORTH LOOP PARKWAY SUBDIVISIONS AND ACCEPTING THREE BILLS OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM**

12. Motion to adopt **Resolution No. 2004-274**, approving a final Plat for Country Glen

**RESOLUTION NO. 2004-274**

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

13. Motion to adopt **Resolution No. 2004-275**, approving a final Plat for Deerfield Trace Subdivision

**RESOLUTION NO. 2004-275**

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

14. Motion to authorize the County Administrator or his designee to negotiate and enter into a contract with top Master Craft Plumbing Contractors, Inc. for the lump sum amount of \$52,863.00 for construction of the St. Johns County Sheriff's Annex Fire Sprinkler System.
15. Motion to authorize the County Administrator or his designee; transfer \$10,000 from 1191-56330-0865-59923 to 1191-56330-0865-56301 for CR A1A Widening Project closeout
16. Motion to authorize the County Administrator or his designee, to enter into a contract with Howard Davis Associates Architects for a total fee not to exceed \$353,300.00, for RFQ 04-84 Design Services for SJC Utilities Administration Headquarters & Shop
17. Motion to adopt **Resolution No. 2004-276**, authorizing the County Administrator or the BCC Chair to execute a contract with the St. Augustine & St. Johns County Chamber of Commerce for the purpose of promoting economic development through the Cornerstone organization

**RESOLUTION NO. 2004-276**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR OR THE BCC CHAIRMAN TO EXECUTE A CONTRACT WITH THE ST. AUGUSTINE & ST. JOHNS COUNTY CHAMBER OF COMMERCE FOR THE PURPOSE OF PROMOTING ECONOMIC DEVELOPMENT THROUGH THE CORNERSTONE ORGANIZATION**

18. Motion to adopt **Resolution No. 2004-277**, approving the terms, provisions, conditions, and requirements of a contract renewal for the provision of financial assistance to the St. Augustine Humane Society, Inc.; and authorizing the County Administrator to execute the contract renewal on behalf of the County

**RESOLUTION NO. 2004-277**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. AUGUSTINE HUMANE SOCIETY, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY**

19. Motion to adopt the **Resolution Nos. 2004-278 through 305**, for the following agencies: Alpha Omega Miracle Home, Association for Retarded Citizens, Betty Griffin House, Council on Aging, Emergency Services/Homeless Coalition, EPIC Community Services, Kids Bridge, Learn to Read, Northeast Florida Community Action Agency, Project Special Care, Retired Senior Volunteer Program, St. Johns Welfare Federation, St. Johns County School Readiness Coalition, St Johns Housing Partnership, St. Francis House, St. Gerard Campus, Inc., Salvation Army and Youth Crisis Center and authorize the County Administrator to execute the contracts

**RESOLUTION NO. 2004-278**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY COUNCIL ON AGING, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-279**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN**

AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND LEARN TO READ OF ST. JOHNS COUNTY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-280

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AND NORTHEAST FLORIDA COMMUNITY ACTION AGENCY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-281

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND NORTHEAST FLORIDA COMMUNITY ACTION AGENCY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-282

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND PROJECT SPECIAL CARE, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-283

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND PROJECT SPECIAL CARE, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-284

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN



AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND KIDS BRIDGE, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-285

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND SAFETY SHELTER OF ST. JOHNS COUNTY DBA BETTY GRIFFIN HOUSE, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-286

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY COUNCIL ON AGING, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-287

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY COUNCIL ON AGING, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-288

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND EMERGENCY SERVICES AND HOMELESS COALITION, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

**RESOLUTION NO. 2004-289**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY SCHOOL READINESS COALITION AND EPISCOPAL CHILDREN'S SERVICES, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-290**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ASSOCIATION FOR RETARDED CITIZENS, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-291**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND SAFETY SHELTER OF ST. JOHNS COUNTY, DBA BETTY GRIFFIN HOUSE, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-292**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY WELFARE FEDERATION, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-293**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN**

AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS HOUSING PARTNERSHIP, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-294

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND RETIRED SENIOR AND VOLUNTEER PROGRAM OF ST. JOHNS COUNTY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-295

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ALPHA OMEGA MIRACLE HOME, INC., AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-296

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. GERARD CAMPUS, INC., AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-297

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. FRANCIS HOUSE, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

**RESOLUTION NO. 2004-298**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE YOUTH CRISIS CENTER, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-299**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ALPHA OMEGA MIRACLE HOME, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY AND ALPHA OMEGA MIRACLE HOME, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-300**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ASSOCIATION FOR RETARDED CITIZENS, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-301**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND EPIC COMMUNITY SERVICES, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

**RESOLUTION NO. 2004-302**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS,**

CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY COUNCIL ON AGING, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-303

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY COUNCIL ON AGING, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-304

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND ST. JOHNS COUNTY COUNCIL ON AGING, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-305

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE SALVATION ARMY, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

20. Motion to adopt a Resolution approving the terms, provisions, conditions, and requirements of an agreement between St. Johns County, Florida, and the City of St. Augustine, Florida, for the provision of visitor information services, and related services for 2004-2005, and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

*This item was moved to a tentative October 20, 2004, Commission Meeting date.*

21. Motion to adopt **Resolution No. 2004-306**, approving the terms, provisions, conditions, and requirements of an agreement between St. Johns County, Florida, and Ad-Ventures Advertising, Inc. T/A Meridian Group, Inc. for the provision of advertising services, and the coordination of advertising opportunities for 2004-

2005, and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

**RESOLUTION NO. 2004-306**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND AD-VENTURES ADVERTISING, INC. T/A MERIDIAN GROUP, INC., FOR THE PROVISION OF ADVERTISING SERVICES, AND THE COORDINATION OF ADVERTISING OPPORTUNITIES FOR 2004-2005, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

(10/06/04 - 14 - 9:59 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern requested that Item #A1, Extension of the 2004 Tax Roll be added to the beginning of the meeting. She also asked that Item #2 be moved to 1:30 p.m. Bosanko asked to add Item 15b regarding the Florida Department of Juvenile Justice.

(10/06/04 - 14 - 10:01 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent to approve the Regular Agenda as amended.**

(10/06/04 - 14 - 10:01 a.m.)

A1. A MOTION TO APPROVE THE EXTENSION OF THE 2004 TAX ROLL PRIOR TO COMPLETION OF THE PARCELS INCLUDED IN THE PROPERTY VALUE ADJUSTMENT BOARD HEARINGS

Tommy Edwards, Director of Accounting, Tax Collector's Office, explained that the Honorable Dennis Hollingsworth had requested that the Tax Roll be extended so that the tax bills could be mailed out on time and any corrections made by the Value Adjustment Board could be given a certificate of correction and the certification of the Tax Roll would be amended. (10:03 a.m.) Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to approve the extension of the 2004 Tax Roll prior to completion of the parcels included in the property Value Adjustment Board Meetings.

(10/06/04 - 14 - 10:04 a.m.)

1. CHAMBER OF COMMERCE QUARTERLY ECONOMIC DEVELOPMENT UPDATE

Kari Hall-Keating, Director of Economic Development and Tourism, St. Augustine and St. Johns County Chamber of Commerce, stated that the last quarter of this year had been particularly active for the Economic Development Council (EDC). She stated that the EDC had a newly elected set of officers and newly elected officer Jim Ruler; North Shore Property Management was in attendance. She explained that an updated Business Relocation packet, containing all of the latest business information, and the update to the Economic Development Directory and Business Start-up Guide had been

published. She stated that the St. Johns County 2004 Wages and Benefit Survey had also been published. She explained that she had attended the Annual Cornerstone Partner Retreat that included persons from six counties who gathered together to plan the goals for the coming year. She thanked the Board for approving the contract extension for the Cornerstone Partnership in the coming year. She stated that in September of 2004 the Economic Development Council would be sending a gift subscription to Florida Trend Magazine, to the top fifty Site Selector across the country and that St. Johns County would be featured on the cover of the December 2005 issue. She reviewed the status of active leads for business recruitment and expansion. She mentioned hosting the Valuable Industry Player (VIP) St. Johns County expansion event this past quarter that helped the local business base prosper and expand. Hall-Keating reviewed the Wages and Benefit Study. (10:19 a.m.) Discussion ensued.

2. DISCUSSION CONCERNING EROSION PROBLEMS AT THE COUNTY PIER: STRATEGIES AND ACTIONS

This item was moved to 1:30 p.m. to be heard as Regular Agenda Item #6a.

(10/06/04 - 15 - 10:21 a.m.)

3. PUBLIC HEARING - REZ 2004-07 RODRIQUEZ MEDICAL OFFICE - THIS REQUEST SEEKS TO REZONE 0.23 ACRES FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) IN ORDER TO DEVELOP THE SITE WITH A 2,760 SQUARE FOOT MEDICAL OFFICE. THE PARCEL CONTAINS ONE SINGLE FAMILY RESIDENCE, LOCATED ON OLD MOULTRIE ROAD IN THE MIXED USE LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. POLICY A.1.9.8 OF THE 2015 COMPREHENSIVE PLAN REQUIRES BUFFERS AROUND DEVELOPMENTS WITHIN THE MIXED USE DISTRICT TO PROVIDE FOR COMPATIBILITY WITH ADJACENT USES. ST. JOHNS COUNTY UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER. THE PROPERTY TO THE IMMEDIATE NORTH AND SOUTH IS UNDEVELOPED, AND NEW SINGLE FAMILY DEVELOPMENT IS UNDER CONSTRUCTION TO THE WEST ACROSS OLD MOULTRIE ROAD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR AUGUST 19, 2004 MEETING

Proof of publication of the Notice of Public Hearing on REZ 04-07 Rodriquez MED was received, having been published in The St. Augustine Record on September 21, 2004.

Lindsay Haga, Planner II, stated that on page two of the Staff recommendation, a reference to the August 19, 2004 Planning and Zoning Agency meeting needed to be deleted and she also made a correction to the advertised time stating that the ad should have read 9:00 a.m. Maguire asked Haga if this property met the impervious surface requirements and Haga explained that it would have to meet all of the requirements of the Land Development Code.

(10:22 p.m.) Karen Taylor 3070 Harbor Drive, reviewed the request on behalf of the applicant. (10:24 a.m.) **Motion by Maguire, seconded by Jacalone, carried 4/0, with Bryant absent, to enact Ordinance No. 2004-82, known as REZ 2004-07 Rodriquez Medical Office, adopting Findings of Fact to support the motion.**

**ORDINANCE NO. 2004-82**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS  
DESCRIBED HERINAFTER FROM THE PRESENT**

**ZONING CLASSIFICATION OF OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(10/06/04 - 16 - 10:24 a.m.)

4. PUBLIC HEARING - PRD 2004-01 GOLDEN EYE PLANNED RURAL DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 101.26 ACRES LOCATED IN WESTERN ST. JOHNS COUNTY ALONG CR 13, JUST SOUTH OF JOE ASHTON ROAD FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF SIX (6) RESIDENTIAL UNITS. THE PROJECT WILL UTILIZE THE 85/15% DENSITY ALLOCATION RULE (ONE DWELLING UNIT/ACRE); HOWEVER AS PROPOSED, THE PROJECT IS BELOW THE ALLOWED DENSITY. THE TOTAL DEVELOPMENT AREA INCLUDES 9.93 ACRES; THE REMAINING 91.33 ACRES WILL CREATE THE RESERVE AREA. ACCESS TO FOUR (4) OF THE SIX (6) TOTAL UNITS OF THE DEVELOPMENT WILL BE VIA A SINGLE ENTRANCE ROAD FROM CR 13. TWO ADDITIONAL DRIVEWAY ACCESS POINTS WILL BE PROVIDED FOR INDIVIDUAL LOTS FRONTING ONTO CR 13. ALL ELECTRICAL AND TELEPHONE AND OTHER UTILITY LINES WILL BE INSTALLED UNDERGROUND. POTABLE WATER AND SANITARY SEWER WILL BE PROVIDED BY INDIVIDUAL WELL AND SEPTIC SYSTEMS. THE SITE CONTAINS 17.128 ACRES OF ISOLATED JURISDICTIONAL WETLANDS, WHICH WILL BE PRESERVED IN THEIR NATURAL STATE. THE PLANNING AND ZONING COMMISSION RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THE SEPTEMBER 16, 2004 HEARING BY A VOTE OF 4/0

Proof of publication of the Notice of Public Hearing on PRD 04-01 Golden Eye was received, having been published in The St. Augustine Record on September 21, 2004.

Karen Taylor, 3070 Harbor Drive, reviewed the request on behalf of the applicant. Taylor explained that the requested waivers included a request to create three entrances instead of two, which was a standard PRD requirement; for an allowance to not pave the roadway, and a waiver to the sidewalk requirement. (10:31 a.m.) Jacalone asked if the two additional accesses were going to be driveways and Taylor answered that they were. He asked what the standard was for an unpaved road and Taylor answered that all of the requirements set forth in the Land Development code must be met. (10:33 p.m.) Maguire stated that he thought this was a super project and said that it was nice to see a rural development aimed at the equestrian community. (10:35 p.m.) Meiszer asked if the roadway was proposed to be a county roadway and Taylor answered that the road would remain private. Meiszer asked why there would be a requirement to pave, if it was a private road and Taylor answered that private roads had to meet county road standards per the Land Development Code. Meiszer verified that the property owners would maintain the road. Discussion relating to sidewalks ensued. (10:37 a.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to enact Ordinance No. 2004-83, known as PRD 2004-01 Golden Eye PRD adopting Findings of Fact to support the motion and authorizing the requested waivers.**

**ORDINANCE NO. 2004-83**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS  
DESCRIBED HEREINAFTER FROM PRESENT ZONING**



**CLASSIFICATION OF OPEN RURAL (OR) TO  
PLANNED RURAL DEVELOPMENT (PRD);  
PROVIDING FOR SPECIAL CONDITIONS;  
PROVIDING FINDINGS OF FACT; PROVIDING A  
SAVINGS CLAUSE; REQUIRING RECORDATION; AND  
PROVIDING AN EFFECTIVE DATE**

The meeting was recessed at 10:38 a.m. and reconvened at 10:47 a.m. with Isabelle Lopez, Senior Assistant County Attorney taking Bosanko's place.

(10/06/04 - 17 - 10:47 a.m.)

5. PUBLIC HEARING -PNZVAR 2001-004 WHITE HOUSE - APPLICANT SEEKS A NON-ZONING VARIANCE TO REDUCE THE TWENTY-FIVE (25) FOOT UPLAND BUFFER REQUIRED IN ARTICLE IV, OF THE LAND DEVELOPMENT CODE TO A TEN (10) FOOT UPLAND BUFFER. SUBJECT PROPERTY IS 0.7 ACRES LOCATED AT 3575 COASTAL HIGHWAY

Proof of publication of the Notice of Public Hearing on PNZVAR 04-04 White House was received, having been published in The St. Augustine Record on September 21, 2004.

Jan Brewer, Environmental Manager, stated that this was a properly noticed public hearing requiring ex parte disclosure for the Whitehouse PNZV 2001-004 in which the applicant seeks a non-zoning variance to reduce the twenty-five foot upland buffer required in Article 4, Section 4.01.02E of the Land Development Code to ten feet. She stated that seven items of correspondence had been received with one in favor and six opposed. She reviewed the lot size and upland square footage area of the lot. She mentioned that the applicant was also requesting a non-zoning variance to the front yard setback from twenty five feet to fifteen feet and that as of this date there was still outstanding issues on the proposal that needed to be addressed by the applicant and therefore the item was still open and had not been scheduled for the Planning and Zoning Agency and approval or denial of the request had not been made. She reviewed the sample site plan and property and pointed out the current setbacks and requested setbacks. She said that the Land Development Code Section 10.04.03a stated that the Board of County Commissioners must approve a request that deviated from the code if a variance was sought and such non-zoning variance shall be considered in conjunction with the application for Development Review and that no application or clearance sheet have been submitted to request construction of a home. She mentioned that the property was currently listed for sale and that a new owner might not need a variance. She stated that the recommendation from the Environmental Section of the Planning Division was denial of the request, in that there are not practical difficulties in carrying out the strict letter of the regulation; that the applicant was not proposing to construct a home but was selling the property; that a new owner might not need a variance dependent upon the new owner's proposed construction and the effect of the proposed variance not being in harmony with the general intent of the code; the specific intent of the relevant subject areas of the code and that the applicant was not presently requesting to construct a home, but, had the property up for sale. She further stated that the need for a variance had not been established. (10:54 p.m.) Jacalone asked if the footprint of the structure was encroaching the required setback and Brewer answered that the footprint was encroaching into the upland buffer. Jacalone stated that it appeared that the roof overhang was over the setback and Brewer answered that it appeared so, but that no plan had been officially submitted. (10:55 a.m.) Margaret White interjected and Stern asked that she wait until she was called and then state her full name and address for the record and that she would be given the opportunity to speak with the Board.

(10:55 a.m.) Margaret White, 3575 Coastal Highway, told the Board she was not being treated fairly and was being discriminated against. She spoke to the residents who opposed the variances. (10:58 a.m.) Jacalone stated that he understood that this was important to White and asked if the construction plans for the lot had been submitted to St. Johns County and White answered that they had. Discussion relating to building requirements and permitting process ensued. (11:02 a.m.) Maguire asked Brewer for clarification on the status of the White House request. Brewer answered that no clearance sheet had been initiated and therefore no formal request, permits, or site plans were on file. Brewer further explained that there was no clearance sheet to review, the lot in question was currently for sale and that Staff's recommendation was to deny the request. Maguire said that justification for the need of the waiver needed to be demonstrated. White disagreed. Maguire asked if the architect was present and White answered that he was not. Adams suggested checking with planning to verify whether or not the plans had been submitted. Brewer stated that an example site plan had been submitted. She explained that there was no specific footprint on file, only an example of what might be built. White argued that plans were on file. (11:07 a.m.) Jacalone asked Rosemary Yeoman if it was true that a clearance sheet would not be issued if a variance had not been granted and Yeoman stated that an approved clearance sheet could not be issued, and that the site plan could not be approved until the requirements were met. She explained that a proposed site plan did not meet the county requirements and that the land was not reviewed for any other purpose other than for the variance action. Jacalone clarified that formal application for a building permit cannot be made for a house that requires a variance. He asked what information was needed to act on the White House request and Yeoman answered that a request for a zoning variance requires submission of a generic plan showing the potential for construction on the property and that this would not meet the other requirements of the county. She explained that no other department would review the proposed plan and that it would only be reviewed for the variance action. (11:10 a.m.) Brewer explained the difference between the requirements for a non-zoning variance and a variance. She stated that the non-zoning variance was the only issue before the Board today and that this required a clearance sheet to be started, including the footprint of the home so that the Department could attempt to average the buffer and those types of things. Jacalone asked if the site plan submitted was the actual footprint of the home and White answered that it was. (11:11 a.m.) Stern asked if there had been a clearance sheet issued and White answered that she had a prior clearance sheet, but needed to address the variance issues before a new clearance sheet could be issued. Brewer stated that a non-zoning variance request required the applicant to have initiated an official clearance sheet with an official diagram of the house footprint that would be constructed, for determination of the average upland buffer and whether a non-zoning variance would be required. She explained that a clearance sheet had not been initiated and a site plan had not been submitted. (11:12 p.m.) Jacalone stated that the footprint did not meet side-yard requirements, so an approved clearance sheet could not be issued. White asserted that the criteria had been met. (11:14 a.m.) Meiszer asked that if all of the required setbacks and buffers were observed would the lot be buildable and Brewer answered that in her opinion, unless a variance to the front yard setback and buffer were secured the lot would not be buildable. White disagreed and stated that this would not be a problem if the neighbors were not opposed to the plan. Meiszer said that according to the proposed site plan a screen porch was extending over the setback. White disagreed. Brewer had three concerns with the approval of this variance: damage to the wetlands; creation of a reduction of the 25' front setback to 15' would be dangerous; the lot did not meet the setback requirements as determined by the County and was unbuildable. White disagreed. Discussion related to lot size; setbacks, buffers, and the proposed site plan ensued. (11:22 p.m.) Stern announced that public comment

would be heard and that White would be allowed three minutes for comments afterwards.

(11:23 p.m.) Jane Tuten, 101 Carcaba Road, was opposed to the approval of any type of variance. She provided the Board with photographs of the area. She stated that there was potential damage to the wetlands. She said that allowing a reduction in the front setback would create a dangerous traffic condition, as it was already difficult to get onto the coastal highway. She stated that the lot did not meet the setback requirements of the county and was not buildable.

(11:26 a.m.) Paul Sargent, 113 First Street, requested that the variance not be granted because of the statutes that are currently in place regarding the front and rear setback as required making the property virtually unbuildable. He mentioned having been interested in purchasing the White property for a reasonable price so that the marshlands would be protected, however the current purchase price was too high.

(11:28 a.m.) Margaret Rocker, 117 Carcaba Road, stated that no variances had been requested or granted for her to build on her property and that her home had been built to code. She said that the proposed home would interfere with the Coastal Barrier and that she was opposed to having the requested variances granted.

(11:35 a.m.) White argued that all of her neighbors were located on the Coastal setback line and that Tuten's bulkhead was on her property and that those persons who spoke in opposition to the request did so because they would lose their view of the ocean. She stated that she wanted all of this hearing to be public record and requested a tape of today's conversations and that she would pursue this with a land attorney. (11:38 a.m.) Meiszer stated that the subject property was located on the west side of A1A and that there were homes on the east side of A1A and that these homes would block the view to the ocean. He asked how a house on the west side of the road could block the view to the ocean when there were houses on the east side and White answered that a house built on her property would block the view of those residing on Carcaba Road. Discussion relating to the potential for blocking the ocean view ensued. (11:42 a.m.) Maguire said that he and Commissioner Meiszer were trying to find a reason to grant this request. He said that the lot was buildable according to its size but that the issue was what type of structure could be constructed given the limitations of the setbacks. He said that he could not approve the request as presented today and that he would need to follow Staff recommendations for the correct procedures. He suggested postponing the request and having White sit down with Staff to find out exactly what was needed both sequentially and procedurally. He suggested returning with a set of plans that Staff supported. White argued that the criteria had already been met. (11:45 a.m.) Jacalone concurred with Maguire and stated that he would not support this request while the lot was being marketed and stated that she had to meet Staff requirements. White argued that she had already followed procedure. Jacalone suggested that she ask the Board to continue this item and that White return at a later date. (11:48 a.m.) Stern stated that the Board was offering White a chance to get this done properly and that the Board could not approve the request as presented today. (11:49 p.m.) Lopez asked White if she wanted to continue the request and White answered that she did. (11:49 a.m.) **Motion by Maguire, seconded by Jacalone, carried 4/0, with Bryant absent,t to continue this item until date uncertain.** (11:50 a.m.) White stated that she had been treated unfairly.

(10/06/04 - 20 - 11:52 a.m.)

6. PUBLIC HEARING - REZ 2004-26 SMILEY'S SELF STORAGE - THIS REQUEST SEEKS TO REZONE 6.2 ACRES FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW) FOR A SELF STORAGE FACILITY WITH A BOAT AND RV STORAGE. THE PARCEL IS LOCATED ON THE EAST SIDE OF U.S. 1 NORTH APPROXIMATELY ½ MILE NORTH OF ISLAND LANDING 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 OPEN RURAL AND RS-3. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 4 TO 0 AT THEIR SEPTEMBER 16, 2004 MEETING

Proof of publication of the Notice of Public Hearing on REZ 04-26 Smiley Self Stor was received, having been published in The St. Augustine Record on September 21, 2004.

Benjamin Campen, 106 Aegean Vista Way, reviewed the rezoning request and offered to answer any questions the Board might have. (11:53 a.m.) **Motion by Maguire, seconded by Jacalone, carried 4/0, with Bryant absent, to enact Ordinance No. 2004-84, known as REZ 2004-26, Smiley's Self Storage, adopting Findings of Fact to support the motion.**

#### ORDINANCE NO. 2004-84

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 INDUSTRIAL WAREHOUSING (IW); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting was recessed at 11:54 a.m. and reconvened at 1:35 p.m. with Stern, Jacalone, Meiszer, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

Commissioner Bryant and Maguire were not present at the meeting.

(1:35 p.m.) Stern mentioned that before they go into the first item, that a request had been made to revisit the Agenda to continue Item 8, the Administrative Decision of Stonegate Acres PUD. **Motion by Stern, seconded by Jacalone, carried 3/0 with Maguire and Bryant absent, to revisit the Agenda.**

(1:36 p.m.) George McClure, 170 Malaga Street, requested to continue Item 8 to October 20 or November 3, because the applicants had to leave to attend another matter. (1:37 p.m.) **Motion by Jacalone, seconded by Stern, carried 3/0 with Maguire and Bryant absent, to continue Item 8, PLNADMAPL 2004-02, Stonegate Acres to October 20<sup>th</sup> at 9:00 a.m.**

(10/06/04 - 20 - 1:38 p.m.)

- 6A. DISCUSSION CONCERNING EROSION PROBLEMS AT THE COUNTY PIER: STRATEGIES AND ACTIONS (*Formerly Regular Item 2*)

Ed George, St. Augustine Beach City Commissioner, gave an update on the erosion problems at the County Pier and reviewed the strategies and actions, utilizing pictures. (Exhibit A) He distributed a flyer from the American Shore and Beach Preservation,

who was going to have their yearly summit in Washington DC on March 9-11, 2005. (Exhibit B) He strongly recommended that someone from the County attend this meeting. (1:48 p.m.) Maguire entered the meeting. Adams spoke on receiving some information, that last evening, the Army Corp of Engineers in Washington, took an \$85,000,000 emergency supplemental request package, due to Florida's hurricanes Francis and Jeanne, to congress, and out of that \$85,000,000, \$15,000,000 was earmarked for St. Augustine Beach. Meiszer spoke on beach erosion and suggested coming up with a different plan to handle it. Discussion followed on having a better plan for handling beach erosion.

*The meeting moved to Item 9.*

(10/06/04 - 21 - 2:11 p.m.)

7. PUBLIC HEARING - MAJMOD 2004-06 WESTGATE BUSINESS PARK PUD - THIS IS A REQUEST TO MODIFY THE PSD TO REFLECT THE ADDITION OF ALLOWED USES, THE ADDITION OF AN ACCESS DRIVE ON THE EAST OFF OF COLLINS AVENUE AND TO REZONE TO PUD. THE ADDITIONAL USES REQUESTED ARE: RESTAURANTS WITH DRIVE THROUGH FACILITIES; DRY CLEANERS WITH DRIVE THROUGH FACILITIES; BANKS AND FINANCIAL INSTITUTIONS WITH OR WITHOUT DRIVE THROUGH FACILITIES AND A FREE STANDING ATM WITH DRIVE THROUGH; GROCERY STORES; AND ANY OTHER USES ALLOWED IN THE COMMERCIAL GENERAL (CG) CATEGORY. NO OTHER CHANGES ARE PROPOSED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 3 TO 1 AT THEIR SEPTEMBER 16, 2004 MEETING

Proof of publication of the Notice of Public Hearing on MAJ MOD 04-06 Westgate was received, having been published in *The St. Augustine Record* on September 21, 2004.

Bruce Ford, Chief Planner, informed the Board on a couple of items, to add some uses and a request to add another access onto Collins Avenue. (Exhibit A) He stated that the Planning and Zoning Agency asked that the Collins Avenue access not be included in this plan and that Schedule A be amended with Item 4 being changed to read, *Sale of alcoholic beverages with content not more than 14 percent for consumption off premises, and on premises in conjunction with restaurant.* Maguire stated that in 1999, Section 3 had 6 uses listed and this one only has five listed. Ford responded. Discussion followed on the requested changes.

(2:18 p.m.) Randall Whitfield, 13947 Beach Boulevard, Suite 210, Jacksonville, spoke on two issues; the additional uses requested and the access onto Collins Avenue. Discussion followed on the safety issues concerning the shopping center.

(2:28 p.m.) Joe Stephenson, Public Works Director, stated that the design of the signalized intersection would change the traffic pattern and that the median opening that allowed the illegal left turns in and out of the plaza, would be eliminated by a closed median. Discussion followed on making an access off of Collins Avenue into the shopping center, and about the original entrance into the shopping center being poorly designed.

(2:42 p.m.) Lora Carr, 2718 S. Collins Avenue, spoke in opposition of the proposed access from Collins Avenue into the shopping center and on the safety issues involved.

(2:44 p.m.) Ed Plozner, 2765 S. Collins Avenue, spoke in opposition of the proposed access from Collins Avenue into the shopping center.

(2:46 p.m.) Dreaama Collins, 2780 S. Collins Avenue, spoke in opposition of the proposed access from Collins Avenue into the shopping center.

(2:50 p.m.) W. R. Carr, 2724 S. Collins Avenue, spoke in opposition of the proposed access from Collins Avenue into the shopping center.

(2:53 p.m.) Sherry Badger, 2772 S. Collins Avenue, spoke in opposition of the proposed access from Collins Avenue into the shopping center.

(2:55 p.m.) John Nuttall, 129 Meadow Avenue, spoke in opposition of the proposed access from Collins Avenue into the shopping center.

(2:56 p.m.) Sharon Badger, 2725 S. Collins Avenue, spoke in opposition of the proposed access from Collins Avenue into the shopping center.

(2:59 p.m.) Maguire spoke on not supporting this item and explained why. Jacalone spoke on rights-of-way and not supporting this item. Stern spoke on not supporting the access from Collins Avenue and suggested that they put a left turn lane at the first median cut.

(3:05 p.m.) Sherry Badger, 2772 S. Collins Avenue, spoke on the conditions not being included in today's paperwork and wanted to make sure they were included. Stern replied that Bruce Ford made it clear when he presented the item that the conditions were left out of the Board's packets and he included them. (3:06 p.m.) **Motion by Maguire, seconded by Jacalone, to enact Ordinance No. 2004-85, known as MAJMOD 2004-06 Westgate Business Park PUD adopting Findings of Fact to support the motion, specifically approving the waiver to Section 5.03.09 and the new Schedule A not including the entrance from Collins Avenue.**

(3:07 p.m.) Whitfield commented on comments made by the public. **Motion carried 4/0 with Bryant absent.**

#### ORDINANCE NO. 2004-85

**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**

*The meeting moved to Item 10.*

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 the Notice of Public Hearing on PLNADMAPL 04-02 Stonegate was received, having been published in *The St. Augustine Record* on September 21, 2004.

*This item was continued to October 20<sup>th</sup> at 9:00 am.*

(10/06/04 - 24 - 2:00 p.m.)

9. FIRST COAST METROPOLITAN PLANNING ORGANIZATION 2030 LONG RANGE TRANSPORTATION PLAN UPDATE

Denise Bunnewith, 1022 Prudential Drive, Jacksonville, FCMPO Executive Director, gave an update on the 2030 Long Range Transportation Plan, showing the Highway Projects Map. (Exhibit A)

(2:03 p.m.) Rob Schiffer, 1820 East Park Avenue, Suite 203, Tallahassee, gave an update on the status of where they were on the Long Range Transportation Plan. He reviewed the adopted 2030 Needs Plan, PRTP Updated Process, Cost Feasible Plan Development Evaluation Criteria Themes, and Cost Feasible Plan Projects.

*The meeting returned to Item 7.*

The meeting recessed at 3:11 p.m. and reconvened at 3:17 p.m. with Meiszer not present, Lopez leaving the meeting and Michael Hunt, Deputy County Attorney; and Daniel Bosanko, County Attorney, entering the meeting.

(10/06/04 - 24 - 3:18 p.m.)

10. CONSIDER MOTION TO APPROVE THE WRITE-OFF OF 1,418 EMS ACCOUNTS TOTALING \$515,091.39 AND 77 UTILITY SERVICES ACCOUNTS TOTALING \$5,660.86 FROM THE APPROPRIATE ACCOUNTS RECEIVABLE EFFECTIVE FOR SEPTEMBER 30, 2004

Dawn Cardenas, Office of Management & Budget, presented the annual request to write-off the Fiscal uncollectible customer accounts. If the Board approved, The Finance Department would write-off 1,418 EMS accounts totaling \$515,091.39 and 77 Service Utilities accounts totaling \$5,660.86. These are from Fiscal-Year 2003 customer accounts. She stated that she brought this item to the Board because the Florida Statutes required Board approval of any limits based on county assets and that the St. Johns County Finance Department required Board approval to write these accounts off. She reviewed the St. Johns County's policy on writing off customer accounts. (3:19 p.m.) Meiszer returned to the meeting. (3:21 p.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0 with Bryant absent, to approve the write-off of 1,418 EMS accounts totaling \$515,091.39 and 77 Utility Services accounts totaling \$5,660.86 from the appropriate accounts receivable effective for September 30, 2004.**

(10/06/04 - 24 - 3:22 p.m.)

11. CONSIDER MOTION TO ADOPT A RESOLUTION EXTENDING AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLAGLER HOSPITAL, INC. ON THE SAME TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS,



DOCUMENTS, EXTENSIONS, OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE

Gloria Benischeck, Community Services Director, reviewed Items 11 and 12 together. She stated that the purpose of the requests were to grant an extension of the previous contracts that expire September 30<sup>th</sup> and allow the Health and Human Services Advisory Council to review both contracts reporting on the same measures. (3:23 p.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0 with Bryant absent, to adopt Resolution No. 2004-307, extending an agreement between St. Johns County, Florida, and Flagler Hospital, Inc. on the same terms, provisions, conditions, and requirements and authorize the County Administrator to execute, on behalf of the County, any agreements, documents extensions, or other paperwork necessary to accomplish that purpose.**

**RESOLUTION NO. 2004-307**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLAGLER HOSPITAL, INC. ON THE SAME TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS, DOCUMENTS, EXTENSIONS, OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE**

(10/06/04 - 25 - 3:24 p.m.)

12. CONSIDER MOTION TO ADOPT A RESOLUTION EXTENDING AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND MEDICAL SPECIALISTS OF HASTINGS ON THE SAME TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS WITH THE EXCEPTION OF COMPENSATION, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS, DOCUMENTS, EXTENSIONS, OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE

**Motion by Jacalone, seconded by Maguire, carried 4/0 with Bryant absent, to adopt Resolution 2004-308, extending an agreement between St. Johns County, Florida, and Medical Specialists of Hastings on the same terms, provisions, conditions, and requirements with the exception of compensation, and authorizing the County Administrator to execute, on behalf of the County, any agreements, documents, extensions, or other paperwork necessary to accomplish that purpose.**

**RESOLUTION NO. 2004-308**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND MEDICAL SPECIALISTS OF HASTINGS ON THE SAME TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS WITH THE EXCEPTION OF COMPENSATION, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE COUNTY, ANY AGREEMENTS, DOCUMENTS, EXTENSIONS, OR**

**OTHER PAPERWORK NECESSARY TO ACCOMPLISH  
THAT PURPOSE**

*The meeting moved to Item 15a.*

(10/06/04 - 26 - 3:27 p.m.)

13. PRESENTATION ON THE WEST KING STREET CORRIDOR IMPROVEMENTS

Joe Stephenson, Public Works Director, reviewed this item and introduced Bernie O'Connor.

(3:29 p.m.) Bernie O'Connor, 13901 Sutton Drive Park, Jacksonville, Prosser & Hallock, gave a presentation on what had been done on this project and gave a summary of preliminary engineering work they have done this year. He started with the Review Concept Plan, and the Preliminary Engineering Progress. (3:43 p.m.) Maguire left the meeting. O'Connor continued with the next steps to be taken.

(10/06/04 - 26 - 3:49 p.m.)

14. CONSIDER AND DETERMINE WHETHER THE COUNTY SHOULD REMOVE ITS OBJECTION TO CITY SANITATION'S AMENDED MOTION TO ASSUME, AND ASSIGN ITS FRANCHISE CONTRACT WITH ST. JOHNS COUNTY TO ARROW WASTE

Michael Hunt, Deputy County Attorney, explained this item.

(3:50 p.m.) Jobee Burr, representing the County in the bankruptcy issue filed by City Sanitation LLC, reviewed the bankruptcy case. (Exhibit A) He recommended to the Board to allow the bankruptcy court to enter an order allowing for the assignment of that particular contract. Discussion followed on the bankruptcy court entering an order allowing for the assignment of the contract.

(4:00 p.m.) Richard Thames, 121 Forsyth Street, Jacksonville, explained how the carrier operated. (4:02 p.m.) **Motion by Jacalone, seconded by Stern, carried 3/0 with Bryant and Maguire absent, that the County remove its objection to City Sanitation's amended Motion to Assume, and Assign its Franchise Contract with St. Johns County to Arrow Waste and let the United States Bankruptcy Middle Court of Florida, Jacksonville Division, do its duty.**

(10/06/04 - 26 - 4:04 p.m.)

15. CONSIDER APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, Administrative Coordinator, asked the Board to consider an appointment to the Industrial Development Authority and stated that there were two applications for consideration, William A. Brown and Kevin M. Davenport. (4:05 p.m.) **Motion by Jacalone, seconded by Stern, carried 3/0 with Bryant and Maguire absent, to appoint William A. Brown to the Industrial Development Authority for a partial term scheduled to expire February 25, 2007.** Hunt left the meeting.

(10/06/04 - 26 - 3:25 p.m.)

15a. MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF AN AGREEMENT AMENDMENT BETWEEN THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES AND ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY (*Formerly as Consent Item 4*)

Maguire stated that he pulled this item because he couldn't see the contract to see how the amendments affected the contract and found out that it didn't affect the contract at all. (3:25 p.m.) **Motion by Maguire, seconded by Jacalone, carried 4/0 with Bryant absent, to adopt Resolution No. 2004-309, accepting the terms of an Agreement Amendment between the Florida Department of Children and Families and St. Johns County, and authorizing the County Administrator to execute the Agreement on behalf of St. Johns County.**

**RESOLUTION NO. 2004-309**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THE BUSINESS ASSOCIATE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF CHILDREN & FAMILIES AND SAINT JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

*The meeting returned to Item 13.*

(10/06/04 - 27 - 4:05 p.m.)

**15b. SHIFT OF STATE DEPARTMENT OF JUVENILE JUSTICE OPERATION COSTS TO COUNTY GOVERNMENT**

Bosanko mentioned that a month ago he informed the Board of a lawsuit that was being commenced by certain counties against the State of Florida, challenging the State's right or correctness and properness under the law of the State of Florida, to transfer to the counties, the cost of operation of the Juvenile Detention Centers in the various counties. The State Legislature had passed a law this last year making that effective, and a number of the counties researched it and came to the conclusion that transfer of that cost was not done properly, contrary to the State Constitution. He stated that there were several options presented to the Board. One of the options was to join the lawsuit to sue the State and this County decided not to do that, but did make a statement in support of it. He stated that there were monthly payments due from all the counties to the State to run their centers and that St. Johns County just received a bill for \$57,402. Bosanko stated that the County needed to decide whether to pay it, and if they decided to pay it, they should pay it under protest. There is a risk to pay it and there is a risk not to pay it. He recommended to pay it under protest or could take the risk the other way. Jacalone asked if the County had budgeted for this. Bosanko replied yes. Jacalone mentioned that if the County does not pay the bill by the time they needed it, the State would hold other funds. Bosanko stated there were several arguments that the lawsuit was based on, with the main argument being that it was an improperly approved unprinted mandate by the State Legislature. Stern asked Bosanko to return on the October 20<sup>th</sup> meeting with more information and he replied that he would.

(10/06/04 - 27 - 4:18 p.m.)

**COMMISSIONER REPORTS**

Commissioner Meiszer

Meiszer spoke on an article in the *Florida Trend Magazine* this month regarding a full-page color spread about Vilano Beach and the CRA.

(4:18 p.m.)

Commissioner Stern

Stern asked about planning an Impact Fee Study Workshop. Adams replied that he would get with Scott Clem on it and set a date other than a regular meeting date.

Stern challenged her fellow Commissioners to attend, and participate in the St. Johns County Health Fair, at the Ag Center, on October 20<sup>th</sup> at 8:00 a.m.

(4:21 p.m.)

Commissioner Jacalone

No report.

(10/06/04 - 28 - 4:21 p.m.)

COUNTY ADMINISTRATOR REPORT

Adams mentioned that the number one golf course in St. Augustine was the County's course, as listed in the Best of St. Augustine, the list that the St. Augustine Record publishes. The Pro Shop at that course was listed as the 2<sup>nd</sup> best Pro Shop.

Adams stated that the schedule for swearing in new Commissioners would be Tuesday, November 16<sup>th</sup> at 9:00 a.m. He stated that Bosanko would be there for questions and answers. Bosanko asked how much of an educational presentation did they want that day. He stated that his Staff was preparing a routine training session for all the Board members and would like to do it the same day. Stern replied.

(10/06/04 - 28 - 4:27 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(10/06/04 - 28 - 4:27 p.m.)

CLERK OF COURT'S REPORT

No report.

**Motion by Jacalone, seconded by Stern, carried 3/0 with Bryant and Maguire absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 4:27 p.m.

REPORTS:


1. St. Johns Board of County Commissioners Check Register Check Number 357168 through 357754, totaling \$3,051,190.20 (09/22/04)
2. St. Johns Board of County Commissioners Check Register Check Number 357755 through 357768, totaling \$904.00 (09/30/04)

CORRESPONDENCE:

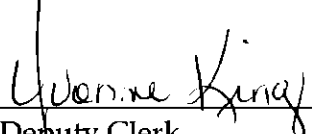
1. Letter dated September 24, 2004 to Liz Cloud Chief, Bureau of Administrative Code, filing St. Johns County Ordinances Number 2004-76 through 2004-81
2. Letter dated October 4, 2004 to Martha Porter, City Clerk, regarding an Interlocal Agreement dated August 13, 1999.

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

