

NOTE:

Minutes of the May 4, 2005 St. Johns County Board of County Commissioners' Meeting.

The minutes contain links that enable you to listen to the audio for each item.

To listen to the audio of an item in the minutes, click on the blue highlighted date, page number and time that precedes each item.

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
MAY 4, 2005  
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were:           Bruce A. Maguire, District 4, Chairman  
                          James E. Bryant, District 5, Vice Chair  
                          Cyndi Stevenson, District 1  
                          Karen R. Stern, District 2  
                          Ben Rich, District 3  
                          Ben W. Adams, Jr., County Administrator  
                          Dan Bosanko, County Attorney  
                          Terry Bulla, Deputy Clerk

Also present:           Cheryl Strickland, Clerk of Court

(05/04/05 - 1 - 9:08 a.m.)  
CALL TO ORDER

Maguire called the meeting to order.

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

Maguire stated that all five commissioners were present.

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

Stevenson gave the Invocation.

(05/04/05 - 1 - 9:09 a.m.)  
PLEDGE OF ALLEGIANCE

Stern led the Pledge of Allegiance.

(05/04/05 - 1 - 9: 17 a.m.)  
PROCLAMATION DESIGNATING MAY 5, 2005 AS A DAY OF PRAYER

Sterns read the proclamation. Ken Asplund, Chaplain, St. Johns County Jail, accepted the proclamation and made comments.

(05/04/05 - 1 - 9:20 a.m.)  
PROCLAMATION DESIGNATING MAY 8-14, 2005 AS TOURISM WEEK

Stevenson read the proclamation. Glenn Hastings and Jack Peters, Tourist Development Council, accepted the proclamation and made comments.

(05/04/05 - 2 - 9:11 a.m.)

PROCLAMATION DESIGNATING MAY 2005 AS DRUG COURT MONTH

Rich read the proclamation. Judge Tinlin, Judge Mathis, Judge Watson, Chief Leuders, and other representatives from the Sheriff's office and the St. Augustine Police Department came forward. Judge Tinlin received the proclamation and made comments praising the program. Judge Watson noted that the program was worth every dime and every hour spent on it.

(05/04/05 - 2 - 9:36 a.m.)

PROCLAMATION DESIGNATING MAY 2005 AS CIVILITY MONTH

Dan Bosanko, County Attorney, and a member of City, County and Local Government Law Section of the Florida Bar, read the proclamation and presented it to the Board of County Commissioners, on behalf of the Florida Bar.

(05/04/05 - 2 - 9:24 a.m.)

PROCLAMATION DESIGNATING MAY 2005 AS OLDER AMERICANS MONTH

The proclamation was read by Bryant and received by Kathy Brown, Director of Council on Aging, who was joined by a group of ladies from the Hastings Senior Center. Cora Harrison, a member of the group, made comments.

(05/04/05 - 2 - 9:33 a.m.)

PROCLAMATION DESIGNATING MAY 14, 2005 AS LETTER CARRIERS FOOD DRIVE DAY

The proclamation was read by Maguire and received by Julie Gustafson, Letter Carrier, who made comments and encouraged residents to participate by making food donations.

(05/04/05 - 2 - 9:39 a.m.)

ACCEPTANCE OF PROCLAMATIONS

**Motion by Rich, seconded by Stern, carried 5/0, to approve the proclamations.**

(05/04/05 - 2 - 9:40 a.m.)

PUBLIC COMMENT

(9:40 a.m.) Bill Jepson, 6336 Costanero Rd., St. Augustine spoke regarding bike routes and their safety.

(9:43 a.m.) Sumner Gray, 144 Oviedo St., St. Augustine, spoke regarding bike routes and their safety.

(9:50 a.m.) Wanda Staffeldt, 3970 Vail Point Terrace, was unable to stay for the afternoon presentation, and stated she was against the Bingo Ordinance and stated her reasons.

(9:55 a.m.) Mildred Bonafede, 340 Bonafede Lane, St. Augustine, was unable to stay for the afternoon presentation and spoke against the Bingo Ordinance.

(05/04/05 - 2 - 9:57 a.m.)

DELETIONS TO CONSENT AGENDA

Bosanko stated that Item No. 17 should be pulled from the Consent Agenda and put on the Regular Agenda as Item No. 17.

(05/04/05 - 3 - 9:58 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to approve the amended March 9, 2005 BCC Minutes
3. Motion to adopt **Resolution No. 2005-123**, renaming Coke Road to Whetstone Place

**RESOLUTION NO. 2005-123**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHANGING A ROAD NAME FROM COKE ROAD TO WHETSTONE PLACE**

4. Motion to adopt **Resolution No. 2005-124**, changing the road name from Hastings-Palatka Road to Old Hastings Road

**RESOLUTION NO. 2005-124**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CHANGING A ROAD NAME FROM HASTINGS-PALATKA RD TO OLD HASTINGS RD**

5. Motion to adopt **Resolution No. 2005-125**, accepting and authorizing the execution of a Temporary Access Easement to a telecommunications tower site located off County Road 214 at Molasses Junction

**RESOLUTION NO. 2005-125**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A TELECOMMUNICATIONS TOWER SITE LOCATED OFF COUNTY ROAD 214 AT MOLASSES JUNCTION**

6. Motion to adopt **Resolution No. 2005-126**, approving the terms of and authorizing the County Administrator to execute a certain Purchase and Sale Agreement from Bank of St. Augustine for property needed for the Kenton Morrison/State Road 16 Improvement Project

**RESOLUTION NO. 2005-126**

**A RESOLUTION OF 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 FROM BANK OF  
ST. AUGUSTINE FOR PROPERTY NEEDED FOR THE  
KENTON MORRISON/STATE ROAD 16  
IMPROVEMENT PROJECT**

7. Motion to adopt **Resolution No. 2005-127**, accepting a Grant of Easement that will allow the County joint use of an offsite retention pond for drainage for the road right-of-ways in Murabella subdivision

**RESOLUTION NO. 2005-127**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT THAT WILL ALLOW THE COUNTY JOINT USE OF AN OFFSITE RETENTION POND FOR DRAINAGE FOR THE ROAD RIGHT-OF-WAYS IN MURABELLA SUBDIVISION**

8. Motion to adopt **Resolution No. 2005-128**, approving the terms of and authorizing the County Administrator to execute a certain Purchase and Sale Agreement to purchase property to be used for a county park, museum, and wildlife preserve

**RESOLUTION NO. 2005-128**

**A RESOLUTION OF 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 TO PURCHASE PROPERTY TO BE USED FOR A COUNTY PARK, MUSEUM, AND WILDLIFE PRESERVE**

9. Motion to authorize the County Administrator, or his designee, to purchase seven (7) small cutaway type vehicles (Buses) from the FDOT Public Transit Office, Florida Vehicle Procurement Program Contract # FVPP-03-SC-3, Transit Plus, Inc., in the amount of \$347,897.00
10. Motion to authorize the County Administrator, or his designee, to enter into contract with Coastal Marine Construction, Inc., in the amount of \$644,644.00 for the project titled Construction of a 30-Inch Diameter Outfall for the Anastasia Island Wastewater Treatment Plant, under Bid 05-12R (*See Attachment "A"*)
11. Motion to authorize the County Administrator, or his designee, to negotiate and enter into a maximum contract price of \$360,000 with the No. 1 ranked firm, Diversified Development Southeast, Inc. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm, and continue until an agreement is reached (*See Attachment "B"*)
12. Motion to approve the transfer of \$320,000 from Utility Reserves [4426-59920] and appropriate it as follows: \$160,000 to Sewer Lift Stations Equipment [4416-56400]; \$50,000 to Wastewater Treatment Professional Fees [4415-53100]; \$25,000 to Wastewater Treatment Contractual Services [4415-53120]; \$60,000 to Wastewater Treatment Utilities [4415-54300]; and \$25,000 to Wastewater Treatment Operating Supplies [4415-55200]

**ST. JOHNS COUNTY  
 BID TABULATION**



**BID TITLE**  
 CONSTRUCTION OF A 30-INCH  
 DIAMETER OUTFALL FOR THE  
 ANASTASIA ISLAND  
 WASTEWATER TREATMENT  
 PLANT

**OPENED BY**  
 LEIGH DANIELS

**BID NUMBER**  
 BID NO. 05-12R

**TABULATED BY**  
 KAREN WISEMAN

**OPENING DATE/TIME**  
 March 16, 2005 3:00 P.M.

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

**VERIFIED BY**

**POSTING TIME/DATE**  
 03/16/2005 4:00 PM

**UNTIL**  
 03/21/2005 4:00 PM

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

BIDDERS	TOTAL LUMP SUM BID PRICE	BID BOND	ADDENDUM # 1	ADDENDUM # 2	ADDENDUM # 3
COASTAL MARINE CONSTRUCTION, INC.	\$644,644.00	YES	YES	YES	NO
BNC, INC.	\$710,544.00	YES	YES	YES	YES
HAL JONES CONTRACTOR INC.	\$1,286,400.00	YES	YES	YES	YES

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

**Attachment "A"**

SUMMARY SHEET  
FOR RANKING OF PROFESSIONALS

ST. JOHNS COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

DATE: March 3, 2005  
PROJECT: RFQ NO 05-73, Design/Build Services, New Equipment  
Storage Bldg, St Johns Co. road & Bridge Complex

CRITERIA FOR RANKING:

FIRM	RATER	RATER	RATER	RATER	COST	TOTAL	RANK	COMMENTS
	ROBIN	BURRELL	COLLINS	BURNS				
DIVERSIFIED DEVELOPMENT SOUTHEAST, INC.	52	54	52	38		196	1	
NOONEY CONSTRUCTION, INC.	51	53	49	36		189	2	
RAY T. FREIHA CONSTRUCTION INC.	47	50	41	33		171	3	

\*SEE CALCULATION SHEET  
APPROVED: *[Signature]* PURCHASING MANAGER DATE 3-4-05  
DIRECTOR, CONSTRUCTION SERVICES *[Signature]* DATE 3/7/05

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

POSTING TIME/DATE FROM 4:00 P.M. UNTIL 4:00 P.M. PAGES 1 OF 1 PAGES (S)  
ANY RESPONDENT AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY REQUEST FOR PROPOSAL, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY-TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE SUMMARY SHEET. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

TA-PROJECTSSUMMARY03-100 sum.doc

Attachment "B"

13. Motion to approve the transfer of \$7,240 from General Fund Reserves (0083-59920) to Detention Facilities (0042-56301) for the cleaning of the retention pond located at the Sheriff's office
14. Motion to approve the transfer of \$3,147.48 from the Law Enforcement Trust Fund (1105-1194-59920) to Aid to Private Organizations (1105-1194-58200) for the purpose of donation to the St. Johns County Sheriff's Office Victim Advocate Fund, per F.S. 932.7055
15. Motion to authorize that the speed limit on Flagler Estates Boulevard, between CR13 and West Deep Creek Boulevard, be increased from 30 mph to 35 mph, and that a speed limit of 30 mph remain in effect on Flagler Estates Boulevard from West Deep Creek Boulevard to Yeager Avenue
16. Motion to authorize an increase in the speed limit on Cypress Links Boulevard from 25mph to 35 mph
17. Motion to adopt a resolution approving of the terms, provisions, conditions, and requirements of a Purchase and Sale Agreement between St. Johns County, Florida, and JNM Beachside Development, Ltd., for property located within Sea Grove Town Center, and authorizing the County Administrator to execute the agreement on behalf of St. Johns County, and to proceed with any and all due diligence requirements, and to close the transaction in accordance with the terms of the Purchase and Sale Agreement (*This item was moved to the Regular Agenda as Item No. 17*)

(05/04/05 - 5 - 9:58 a.m.)

#### ADDITIONS/DELETIONS TO REGULAR AGENDA

Stevenson raised a question regarding the Consent Agenda. Bryant stated that the Consent Agenda would need to be re-opened to address the question.

**(9:59 a.m.) Motion by Bryant, seconded by Stern, carried 5/0, to reopen the Consent Agenda for discussion.**

Maguire stated the Consent Agenda was now reopened for discussion. Stevenson noted that on Item No. 16 there was a typographical error on the cover sheet. She said the request was to change the speed limit by 5 miles per hour, from 25 to 35. Maguire asked if it was correct in the Resolution. She stated that it was. Maguire noted that was all that mattered and Stevenson withdrew her request for correction.

**(10:00 a.m.) Motion by Bryant, seconded by Stern, carried 5/0, to approve the Consent agenda as amended.**

Maguire asked for additions or deletions to the regular agenda. Maguire pulled Item No. 16 from the Regular Agenda and stated they were waiting for action by the Water & Sewer Authority Board before taking action on the item. It would be added to the agenda for May 18, 2005.

Adams asked for Item No. 11 to be pulled from the Regular Agenda, due to an advertising problem and stated it would be rescheduled.



Bosanko stated he would like to add as item No. 18 to the Regular Agenda, to be presented by Patrick MacCormack, Assistant County Attorney, an item regarding the Beach Restoration Use Agreement.

(05/04/05 - 6 - 10:01 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/04/05 - 6 - 10:02 a.m.)

1. MASTERS DRIVE CORRIDOR IMPROVEMENT & IMPLEMENTATION PLAN  
PRESENTATION FOR PHASE I

Joe Stephenson, Public Works Director, gave a review of the work being done on Masters Drive, including the quick response for installation of crosswalks and speed humps, and the development of a more intense study for what could be done to improve Masters Drive. He explained that at the beginning of the fiscal year they had recruited Post, Buckley, Schuh and Jernigan to undertake the study and that the process had started. He stated the report was on the conditions that currently exist and included the next steps to be taken.

(10:03 a.m.) Wiley Page, PBS&J, 7406 Fullerton Street, Jacksonville, gave the overview of Phase I of the Masters' Drive Corridor Study. He discussed the measures of effectiveness, pedestrian safety, pedestrian movement, traffic calming, traffic volume, and activity on Spring Street, and reviewed their overall findings. He noted that the traffic calming effort had been successful in slowing traffic an average of 10 mph. He said they had seen limited use of the existing crosswalks. He also noted that the conditions on Spring Street had not degraded as a result of the improvements on Masters Drive. He reviewed the next phase, the construction of sidewalks and seeking other traffic calming techniques that would improve safety and address the dangerous driving habits they had observed. He said a plan for implementation of those findings would be recommended.

(10:13 a.m.) Stern expressed appreciation for the update. She noted the problem with the speed bumps and that there were speed issues on Spring Street as well. She also questioned the problem with parking on Spring Street. Discussion ensued on the parking issue.

(10:21 a.m.) Stevenson suggested that Sheriff Shoar look into the issue as an enforcement issue.

(10:23 a.m.) Stern suggested meeting with community members because they were the ones who initially brought the issue to the Board's attention.

(05/04/05 - 6 - 10:24 a.m.)

2. SUMMER HAVEN STORM DAMAGE RESTORATION UPDATE

Joe Stephenson, Public Works Director, gave an update on the Summer Haven storm damage restoration. He reviewed that on January 12, 2005 the Board had approved the use of FEMA funding to repair storm damage on the barrier island at Summer Haven. He said the repair would consist of repairing the County maintained access from the southern end back to the north from lot 65 to about lot 37, and also building or restoring a berm from lot 65 back to lot 1 at Summer Haven. He noted that on April 20, 2005,

Commissioner Stevenson had asked for an update, and that on that same day they had received notice from FEMA that they had confirmed the availability of the necessary funds, a condition the Board had attached before proceeding with the project. He explained that between January and April they had contracted with PBS&J to apply for and track the FEMA funds and a design/build provision was established so that a contractor would be ready to go forward when the approval was secured. He said the approval kept being delayed, so they applied to extend the permit to work in the turtle nesting area, and on April 15 they began turtle patrol activities so they would not have to delay implementation of the construction. He stated that construction should begin in May or early June on the repair of the access and on construction of the berm.

Stephenson further explained that when construction contracts came in, they exceeded the \$1 million estimate at \$1,300,000, and that FEMA money would match that amount. But, he noted, it would require additional matching funds from the County at 5 percent or an additional \$15,000, for a total of \$65,000. He said the County would have to build the project and then be reimbursed, so they would have to have access to the full \$1.3 million to do the work. He explained that they were not totally sure the project would require the full amount, and they were currently doing a survey to determine how much material would be required under current conditions. He said that could change from time to time. He noted the match for the \$1 million had already been approved, and if it went to \$1.3 million they would need approval for the match.

(10:28 a.m.) Bosanko commented that the news was not good and the situation was deteriorating. He explained that the ocean was moving in a westerly direction and undermining the old portion of A1A, which was now controlled by the County. He said the State had abandoned that stretch of highway because they could not maintain it. He noted that there were homes along that stretch of the beach. He said the State owned the beach up to the mean high water line, which had continued to move westerly into the roadway, and on some occasions often covered the road right-of-way, owned by the County. He emphasized that the significance of that fact was very important in that the County did not own a required right-of-way for an access. He said that the mean high water line would frequently go over and across the road, and that was why the County was doing continual repairs to the road. He further explained that the individual homeowners who lived along the road had not received special letters informing them of today's meeting. He said they might want to consider notifying affected homeowners if they held another meeting, and when they decided what action should be taken. Bosanko recommended that no new building permits be issued along that stretch of highway, unless the access was in full compliance with County regulations. He said that new houses had been built there in recent years, and his predecessor, Jim Cisco, had allowed building permits along the highway, but with a stern warning as to the problems with access. He stated there had been major problems with emergency procedures for that area, and within the last two weeks there had been a serious incident and a major problem with getting a rescue vehicle to the site of the emergency. He said many issues were interconnected and affected each other.

(10:39 a.m.) Maguire said the item had been advertised as "no action taken," and requested a workshop on this issue. He requested that they do a general review of the issues, and that they wait for an in-depth analysis until the workshop. He said they would send letters to all the property owners and bring them in for the discussion.

(10:39 a.m.) Rich expressed concern that if they did not take action the building permitting issue might be at risk.

(10:40 a.m.) *(Maguire asked for consent of the workshop. The Board concurred without a vote.)*

(10:41 a.m.) Stevenson questioned whether there was anything they could do before the workshop to prevent exacerbating the problem.

(10:41 a.m.) Bosanko stated building permits should be ceased immediately for that area, unless the lot owner could show that he had fully complied access with the County land development requirements.

(10:41 a.m.) Laura Barrow, Assistant County Attorney, stated that there was a pending lawsuit regarding the area and property owners at the north end, between Blocks 3 and 23. She said the gist of the lawsuit was to provide a Statutory Way of Necessity for the property owners to access their property. She explained it was based on the recognition and acknowledgement that Old A1A, now mostly under water, was insufficient to provide access to those lots. She noted a dirt trail had been established by common usage. She said the lawsuit was to prevent the owner of Block 12 from erecting barriers across the dirt trail so that no one could cross his property. The court, in 2003-04, entered a temporary injunction prohibiting property owners from placing barriers along the dirt trail, based on the finding that Old A1A was impassable. She noted that the lawsuit was still pending. She said the issue of whether the County was responsible for maintaining Old A1A was a part of the lawsuit and had not been resolved. She further noted that the County owned lots 4 through 7 and the County had been sued because they owned some of the blocks involved.

She explained that the problem with access was just as bad on the southern end of the roadway with Old A1A being paved up to a certain point, after which it was accessible only by 4-wheel drive vehicles. She stated that rescue vehicles were unable to travel on portions of Old A1A, making rescue attempts impossible for heavy rescue vehicles. She noted a recent incident where a lifeguard 4-wheel drive vehicle had to be used for a rescue that would normally have been handled by the County's rescue vehicles. She explained that even that vehicle had gotten stuck several times and finally had to be towed and was still in the shop for repairs. She said the County had been dumping sand on the beach, but it was washing through and was silting up the lagoon behind the dunes and was not protecting the dirt trail or making it accessible.

(10:51 a.m.) Jan Brewer, Environmental Section Planning Division, commented that in June of 2000 the BCC directed County staff to seek an Incidental Take Permit for the U.S. Fish & Wildlife Service for marine turtles and Anastasia Island Beach Mice for the accidental taking of one of the species due to County authorized driving on the beach. She explained that in order to seek a permit a Habitat Conservation Plan had to be prepared, which set forth activities that the applicant would undertake that would further reduce the potential for take of those species of concern. She explained that one of the minimization strategies was to reduce public driving at Summer Haven and one of the mitigation strategies was to restore the primary dune there. She said that stretch of beach had the highest nesting rate of any other stretch of beach in St. Johns County. She said that plan was being impacted by efforts to maintain access to the dirt road. She said it could affect their review, that was currently being undertaken by the Fish & Wildlife Service, and ultimately could affect the receipt of an Incidental Take Permit.

(10:54 a.m.) Rich questioned Brewer as to whether the project being reviewed would accomplish the mission of restoring the primary dune. Brewer responded that it did not, and that it was for construction of a berm. She said she was not sure whether it would affect the Incidental Take Permit and/or driving on the beach in St. Johns County.

(10:56 a.m.) Stevenson questioned whether the problem was being caused by man-made activity. Brewer responded that some human activity had contributed to erosion,

but it was not significant compared to the problems further north at the St. Augustine Inlet.

(10:57 a.m.) Maguire reviewed Bosanko's recommendations that 1) no further improvements, beach and/or road work in the immediate area not be planned or approved by any county department without explicit approval of the BCC in consultation with the County Attorney and 2) that no building permits should be issued where the right-of-way does not meet minimum County standards.

(10:58 a.m.) Bosanko said he was not recommending stopping the project, which was the Board's decision. He did caution the BCC that there was some question as to whether going forward with the project was the best thing to do. He said an individual who wanted to sell the County property on the beach had contacted the County and he recommended that they not go forward with that transaction.

(10:59 a.m.) Joe Stephenson stated they were looking at access repair to the road on the south end and recommended they proceed with that repair without delay, and build a berm between the repaired road and the ocean. He explained that activity would take place on the 100 feet owned by the County and it would all be above the mean high watermark. He suggested that area should be looked at first and areas north of that should be looked at independently. He said he was recommending access repair from lot 65 to lot 24, where the turnaround was located.

(11:02 a.m.) Rich asked for assurance that the work on the southern end would not jeopardize the Incidental Take permit. Stephenson said it should not impact turtles, but acknowledged that it was not his area of expertise and deferred to Brewer on the turtle issue. He said a turtle patrol had to go out each morning and inspect the beach to see if any new turtle nests had been created before any construction began on any given day. He said any nest found would require them to avoid the nesting area for 90 days.

(11:04 a.m.) Rich wanted to know if the work on the southern end alone could jeopardize the Incidental Take Permit. Stephenson responded that he could only offer an opinion, that he did not believe that it would based on everything that he knew, but the Incidental Take Permit was not his area of expertise. (11:05 a.m.) Brewer stated that an approved permit had been issued with the guidelines as outlined by Stephenson during turtle nesting season. She said that in her opinion, if they confined the activities to the southern area, they would reduce the potential of affecting the habitat conservation plan and Incidental Take permit. She said the Fish & Wildlife Service might offer up something different.

(11:06 a.m.) Barrow commented that Blocks 30-35 were just sand. She said the pavement ended around Block 40 and there was no pavement to the north beyond that point and no emergency vehicles could go beyond that point.

(11:09 a.m.) Stevenson questioned what they were asking of the Board.

(11:09 a.m.) Stephenson said they were asking to continue the project at least on the southern end of the beach, Block 64 north to Block 24. Barrow said the lots in the lawsuit were Blocks 3 through 23, and that there was no pavement north of Block 40.

Maguire stated there were four separate issues to consider: 1) Holding a workshop, 2) building permits, 3) a recommendation on further planning and approval activity in that area, and 4) whether to continue with the FEMA project.

(11:13 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, that the County Administrator be directed that no building permits shall be issued, absent fully compliant access to the dwelling.**

(11:14 a.m.) **Motion by Rich, seconded by Maguire, carried 5/0, that further improvements, beach and/or road work in the immediate area, not be planned or approved by any County department without explicit approval of the BCC in consultation with the County Attorney, excepting the FEMA project, to be addressed separately.**

(11:16 a.m.) *A motion was made by Stern to have Stephenson continue the work on the southern part only, where there was road access to the property. After general discussion Stern requested that her motion be withdrawn, based on the fact that emergency vehicles would not have access to the unpaved areas.*

(11:20 a.m.) Maguire questioned if there was already previous direction from the Board to go forward with use of the FEMA money. Stephenson said the Board had given them that direction. Maguire clarified that if they addressed the issue today, they would be addressing a change and, if they did nothing, Stephenson already had their direction to go forward. Stephenson said that was true, but they might be required to return to ask for more money.

(11:21 a.m.) Stevenson asked for clarification that if they approved the request to go forward with the work on the southern end that they would help to provide minimal access to the existing residents, but not for emergency vehicles. Stephenson responded that was correct. Stevenson said if they decided not to go forward they would be denying access to existing residents, but they were in the conundrum that if they did decide to go forward they might be affecting the Incidental Take Permit. She emphasized that was why they needed to have a workshop.

(11:22 a.m.) Stephenson stated that was why he had gone out of his way to present an option, which would minimize the Board's risk, by not building a berm on the northern third of the property.

(11:22 a.m.) Davron Cardenas, (no address given) said the mean high water line fluctuated dramatically depending upon the level of sand on the beach. She cautioned that if the beach were allowed to erode, A1A would ultimately be in severe jeopardy. She suggested the State become involved in the issue.

(11:24 a.m.) **Motion by Rich, seconded by Maguire, that the County Administrator be directed to direct his staff to confine FEMA construction to the southern end, north to Lot 40.** Stern clarified that the location of Lot 40 was approximately where the pavement currently ended. Maguire stated he too felt uncomfortable with the decision and that the risk was high. Stephenson questioned if they changed the scope of the current work if funding would be jeopardized. Stephenson said he did not believe funding would be jeopardized. **Motion carried 5/0.**

The meeting recessed at 11:25 a.m. and resumed at 11:37 a.m.

Maguire stated that a workshop date was in the process of being determined.

(05/04/05 - 11 - 11:38 a.m.)

3. CONSIDER WAIVER OF FILING FEE APPLICATION FOR PROPOSED REZONING AND VARIANCE TO SIDE YARD SETBACK FOR PROPERTY LOCATED AT 1392 FRUIT COVE ROAD SOUTH

**Motion by Bryant, seconded by Rich, carried 5/0, to approve the waiver of the filing fee for rezoning and variance applications, finding the waiver is in the best interest of the county, and will serve a public purpose.**

(05/04/05 - 11 - 11:40 a.m.)

4. SCENIC & HISTORIC A1A MASTER PLAN WORKSHOP

Vicki Renna gave the presentation for the "Scenic & Historic A1A Master Plan". She said they were here today to make a final decision on the parks that were presented, and afterwards Glatting Jackson would be turning in the final master plan report to the County in August 2005.

(11:43 a.m.) Wade Walker & Jay Hood of Glatting Jackson Consultants, Orlando, gave an overview of what has been accomplished since May 19, 2004, the project start-up date. He stated it was a citizen led process and recognized members of the Corridor Management Committee, who had been instrumental in achieving the project goals. He said they had many meetings with various government officials throughout the course. He explained that most of the project was designed on site, utilizing design charrettes for each neighborhood, and the goal of the unifying elements was to tell the grand story of the scenic and historic A1A corridor. He reviewed the project elements, transportation goals, parks and gateways, way-finding and overall feedback.

(12:19 p.m.) Hood reviewed the proposed schedule for the project, and said that within the next four weeks they would be publishing a draft master plan report that would go out to everyone for review and comments. He said revisions and edits would be done in July and August, and after that, a final master plan report would be delivered to the County.

(05/04/05 - 11 - 12:20 p.m.)

5. CONSIDER ENTERING INTO A CONTRACT WITH THE LOW BIDDER, RAY T. FREIHA CONSTRUCTION, INC. IN THE AMOUNT OF \$987,000.00, FOR BID #05-83, MEDICAL EXAMINER'S OFFICE

Mike Rubin, Director Construction Services, gave a brief overview of the project.

(12:20 p.m.) **Motion by Stevenson, seconded by Rich, carried 5/0, to recommend the County Administrator, or his designee, enter into a contract with the low bidder, Ray T. Freiha Construction, Inc., in the amount of \$987,000.00, and also recommend that all alternates be declined.**

(12:21 p.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0, to transfer \$368,604, from Sales Tax Bond Recreation Projects (3351-56301) to Sales Tax Bond Medical Examiner Building (3363-56200).**

The meeting recessed at 12:21 p.m. and reconvened at 1:34 p.m. with Maguire, Rich, Stevenson, Bryant, Stern, Adams, Bosanko, Assistant County Attorney Patrick McCormack, and Deputy Clerk Yvonne King present.

(05/04/05 - 12 - 1:34 p.m.)

6. PUBLIC HEARING - NZVAR 05-002 ATLANTIC DODGE, INC. - THE APPLICANT DESIRES TO DEMOLISH TWO OF THE EXISTING AUTOMOBILE DEALERSHIP BUILDINGS, AND BUILD A NEW LARGER BUILDING TO OFFER INCREASED SALES AND SERVICE AREA TO BETTER SERVE THEIR CUSTOMERS. THIS WILL INVOLVE THE DISPLACEMENT OF EXISTING PARKING AND THE CREATION ON NEW PARKING AREAS TO SATISFY THE PARKING REQUIREMENTS. STAFF DOES NOT OBJECT TO THE VARIANCE REQUEST TO ITEMS 1 AND 2 AS IT APPLIES TO AISLE WIDTHS AND PARKING AND LOADING. HOWEVER, STAFF DOES NOT RECOMMEND APPROVAL OF THE VARIANCE PERTAINING TO THE LANDSCAPING AND BUFFERING SINCE THE REVISIONS DO NOT COMPLY WITH THE INTENT OF THE CODE

Proof of publication of the notice of public hearing on the non-zoning variance, NZVAR 05-002, Atlantic Dodge, Inc. was received having been published in *The St. Augustine Record* on April 19, 2005.

Jay Kamys, Development Review, Urban Forestry Manager, was present. (1:35 p.m.) Karen Taylor, 3070 Harbor Drive, representing the applicant, explained the request for a non-zoning variance for a reduction in aisle widths; a reduction in loading space; reduction in the front landscape to a two foot buffer along the front and to use an alternate type of material; a variance to the northern and eastern perimeter buffers; the perimeter landscaping; and an interior island. Discussion followed regarding buffering, display area, parking area, and the permeable surface. (1:56 p.m.) **Motion by Bryant, seconded by Stevenson, to approve NZVAR 2005-002, based upon the evidence provided for all of the five findings of fact.** Discussion followed on the requested variance. (1:57 p.m.) **The motion carried 5/0.**

(05/04/05 - 12 - 1:57 p.m.)

7. PUBLIC HEARING - MAJMOD 2005-07 GRAND CAY PLANNED UNIT DEVELOPMENT - THE GRAND CAY PUD CONSISTS OF 39.9 ACRES AND IS LOCATED ON THE WEST SIDE OF U.S. 1 SOUTH, ¼ MILE SOUTH OF SHORES BLVD. THE MAJOR MODIFICATION PROPOSES TO RELOCATE THE PUD'S MAIN ENTRANCE APPROXIMATELY 450 FEET NORTH OF THE ORIGINAL PUD, PER THE FDOT'S STAFF COMMENTS. ALL OTHER PROVISIONS OF THE APPROVED PUD WILL REMAIN IN EFFECT. THE SITE IS LOCATED IN THE MIXED USE DISTRICT OF THE 2015 FUTURE LAND USE MAP. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER/SEWER BY ST. JOHNS COUNTY. ADJACENT ZONINGS INCLUDE OPEN RURAL (OR) TO THE NORTH, WEST AND SOUTH. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR APRIL 21, 2005 MEETING WITH A VOTE OF 6/0

Proof of publication of the notice of public hearing on the major modification to Grand Cay PUD was received having been published in *The St. Augustine Record* on April 20, 2005.

Bruce Ford, Chief Planner, was present. Danielle Mayoras, representing the applicant was also present to answer any questions. (1:58 p.m.) **Motion by Rich, seconded by Stern, carried 5/0, to enact Ordinance No. 2005-40, known as MAJMOD 2005-07, Grand Cay PUD, adopting findings of fact 1- 6 to support the motion.**



ORDINANCE NO. 2005-40

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE GRAND CAY PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 04-75, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(05/04/05 - 13 - 1:59 p.m.)

8. PUBLIC HEARING - REZ 2004-35, JOHN AND LINDA ANDERSON - THIS IS A REQUEST TO REZONE .22 ACRES FROM RESIDENTIAL SINGLE FAMILY (RS-3) TO COMMERCIAL INTENSIVE (CI) FOR A TRANSMISSION REPAIR SHOP. THE PARCEL IS LOCATED ON THE NORTH SIDE OF STATE ROAD 16 AND IS APPROXIMATELY ¼ MILE WEST OF LEWIS SPEEDWAY AND IS IN THE MIXED USE LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. CENTRAL WATER AND SEWER WILL BE PROVIDED BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS ARE COMMERCIAL GENERAL (CG), COMMERCIAL INTENSIVE (CI), AND RESIDENTIAL SINGLE FAMILY (RS-3). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A UNANIMOUS VOTE AT THEIR MARCH 17, 2005 MEETING

Proof of publication of the notice of public hearing on the rezoning, REZ 2004-35, John and Linda Anderson, was received having been published in *The St. Augustine Record* on April 20, 2005.

Bruce Ford, Chief Planner, was present. Bruce Bennett, representing the applicant, was also present. (1:59 p.m.) **Motion by Stern, seconded by Rich, carried 5/0, to enact Ordinance No. 2005-41, known as REZ 2004-35, John and Linda Anderson Rezoning, adopting findings of fact 1-4 to support the motion.**

ORDINANCE NO. 2005-41

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL SINGLE FAMILY (RS-3) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/04/05 - 13 - 2:00 p.m.)

9. PUBLIC HEARING - REZ 2005-04, ENTERPRISE LEASING - THIS IS A REQUEST TO REZONE .3 ACRES FROM COMMERCIAL GENERAL (CG) TO COMMERCIAL INTENSIVE (CI) FOR AN AUTOMOBILE LEASING FACILITY. THE PARCEL IS LOCATED ON THE EAST SIDE OF US 1 SOUTH APPROXIMATELY 300 FT SOUTH OF SHORE DR., AND IS IN THE MIXED USE LAND USE AREA, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITY DEPARTMENT. ADJACENT ZONINGS ARE OPEN RURAL (OR), PLANNED SPECIAL DISTRICT (PSD), COMMERCIAL INTENSIVE (CI), COMMERCIAL GENERAL (CG), AND PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY



RECOMMENDED APPROVAL OF THIS REQUEST BY A UNANIMOUS VOTE  
AT THEIR MARCH 17, 2005 MEETING

Proof of publication of the notice of public hearing on the rezoning, REZ 2005-04, Enterprise Leasing, was received having been published in *The St. Augustine Record* on April 20, 2005.

Bruce Ford, Chief Planner, was present. Tony Hunter, applicant, was present. (2:01 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to enact Ordinance No. 2005-42, known as REZ 2005-04, Enterprise Leasing Rezoning, adopting findings of fact 1-4 to support the motion.**

**ORDINANCE NO. 2005-42**

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

(05/04/05 - 14 - 2:01 p.m.)

10. PUBLIC HEARING - CPA(SS) 2005-01, O.T. FLEX TOOLING - THIS IS A REQUEST TO CONSIDER AMENDMENT TO FUTURE LAND USE MAP TO CHANGE THE MAP DESIGNATION FROM AGRICULTURE-INTENSIVE (A-I) TO INDUSTRIAL (I) - THIS IS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 FUTURE LAND USE MAP (FLUM) DESIGNATION FROM A-I TO INDUSTRIAL (I) FOR THE DEVELOPMENT OF THE O.T. FLEX TOOLING COMPANY WITHIN AN APPROXIMATE 30,000 SQUARE FOOT BUILDING IN PHASE I AND 30,000 SQUARE FOOT BUILDING IN PHASE II. O.T. FLEX IS CURRENTLY LOCATED WITHIN HASTINGS AND HAS OUTGROWN ITS PRESENT LOCATION. THE BUSINESS OWNER HAS PLANS FOR EXPANSION OF METAL TOOL AND STAMP OPERATIONS WITH ADDITIONAL EQUIPMENT, MACHINERY AND EMPLOYEES OVER THE NEXT FIVE YEARS. THE APPLICANT HAS PROVIDED THAT THE EXPANSION MAY CONTINUE AS THE BUSINESS GROWS IN THIS AREA, AS WELL AS PROVIDE TECHNICAL AND SKILL TRAINING TO THOSE INTERESTED IN THE METAL TOOL, STAMP AND DYE INDUSTRY. THIS TRAINING PROVIDES JOB SKILLS FOR FUTURE EMPLOYEES. THIS AMENDMENT WILL ALLOW THE RELOCATION AND EXPANSION OF THE EXISTING BUSINESS WHILE THE BUSINESS MAINTAINS A PRESENCE WITHIN THE OVERALL HASTINGS AREA. ON FEBRUARY 23, 2005, THE BCC ISSUED BUSINESS INCENTIVES TO THIS RELOCATION AS A COUNTY ACCEPTED ECONOMIC DEVELOPMENT PROJECT. THE PROPOSED COMPREHENSIVE PLAN AMENDMENT WAS REVIEWED AS AN EXPEDITED ECONOMIC DEVELOPMENT PROJECT. THERE ARE NO OPEN COMMENTS WITH THIS APPLICATION. THE REQUEST WILL ALLOW THE RELOCATION AND EXPANSION OF AN EXISTING BUSINESS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL WITH A 6/0 VOTE AT ITS APRIL 21, 2005 MEETING

Proof of publication of the notice of public hearing on the comprehensive plan amendment, CPA(SS) 2005-01, OT Flex Tooling, was received having been published in *The St. Augustine Record* on April 1, 2005.

Teresa Bishop, Planning Director, informed the public of the comprehensive plan courtesy list on the back table; that list would be sent to the DCA if the amendment was adopted, and DCA had the option to review small scale admentments; and if they did review it, everyone on the list would receive a notice. (2:02 p.m.) Jamey Suber, 1650 Prudential Drive, Suite 400, representing the applicant, was present. (2:03 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to adopt Ordinance No. 2005-43, amending the Comprehensive Plan Future Land Use Map from Agriculture-Intensive (A-I) to Industrial (I), File No. CPA(SS) 2005-01, adopting findings of fact 1-3 to support the motion.**

#### ORDINANCE NO. 2005-43

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM AGRICULTURE-INTENSIVE (A-I) TO INDUSTRIAL (I); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

11. PUBLIC HEARING - REZ 2005-08, O.T. FLEX TOOLING - THIS IS A REQUEST TO REZONE 9.99 ACRES FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW) FOR A MANUFACTURING BUILDING. THE PARCEL IS LOCATED ON THE WEST SIDE OF WHITE TOWER RD., AND IS SOUTH OF COUNTY ROAD 13, AND IS CURRENTLY IN THE AGRICULTURAL INTENSIVE LAND USE AREA, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP, BUT IS PROPOSED TO CHANGE TO INDUSTRIAL. THE PROPERTY WILL BE SERVED BY PRIVATE WELL AND SEPTIC TANK. ADJACENT ZONINGS ARE OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6/0 AT THEIR APRIL 21, 2005 MEETING

*This item was removed from the agenda due to an advertising issue.*

(05/04/05 - 15 - 2:03 p.m.)

12. PUBLIC HEARING - CPA(SS) 2005-03, HAGERTY PROPERTY - THIS IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM PUBLIC (P) TO RESIDENTIAL C (C). THE SUBJECT PROPERTY IS LOCATED ON A1A SOUTH, EAST OF BUTLER BEACH STATE PARK, WEST OF MINNIE STREET, AND NORTH OF THE CRESCENT BEACH FIRE STATION #16. THE SUBJECT PROPERTY CONTAINS 0.11 ACRES (4,917 SQUARE FEET), CONSISTING OF TWO PLATTED LOTS OF RECORD. IT IS CURRENTLY VACANT WITH A ZONING DESIGNATION AS RESIDENTIAL SINGLE FAMILY 3 (RS-3). THE PROPERTY IS PRIVATELY OWNED LAND; DESIGNATED PUBLIC ON THE 2015 FUTURE LAND USE MAP. RESEARCH INDICATES THE PROPERTY WAS DESIGNATED PUBLIC ON THE 1990 ST. JOHNS COUNTY FUTURE LAND USE MAP (SOURCE: COASTAL CORRIDOR DEVELOPMENT PLAN, COMPREHENSIVE MAP SERIES, MAP III, 6 OF 7, MARCH 7, 1990). THE LAND USE DESIGNATION WAS NOT MODIFIED DURING THE EVALUATION AND APPRAISAL REPORT (EAR) AMENDMENTS ADOPTED

IN 2000. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6/0 (WITH ONE MEMBER ABSENT) AT THEIR APRIL 21, 2005 MEETING

Proof of publication of the notice of public hearing on the comprehensive plan amendment, CPA(SS) 2005-03, Hagerty Property, was received having been published in *The St. Augustine Record* on April 1, 2005.

Lindsay Haga, Planner II, informed the public of the comprehensive plan courtesy list on the back table; that list would be sent to the DCA if the amendment was adopted, and DCA had the option to review small scale amendments; and if they did review it, everyone on the list would receive a notice. (2:04 p.m.) Catherine Hagerty, 4224 Wicks Branch Road, applicant, was present. (2:04 p.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance No. 2005-44, known as CPA(SS) 2005-03, Hagerty Property Small Scale Comprehensive Plan Amendment, adopting findings of fact 1-3 to support the motion.**

#### ORDINANCE NO. 2005-44

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM PUBLIC (P) TO RESIDENTIAL C - COASTAL FOR PROPERTY LOCATED AT 5805 AND 5811 A1A SOUTH, BUTLER BEACH; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/04/05 - 16 - 2:05 p.m.)

13. PUBLIC HEARING - BINGO ORDINANCE - THE EXISTING ST. JOHNS COUNTY BINGO ORDINANCE (94-24) WAS BASED ON THE LANGUAGE OF SECTION 849.0931, FLORIDA STATUTES. SINCE 1994, THERE HAVE BEEN FOUR (4) SEPARATE CHANGES TO SECTION 849.0931 THAT HAVE NOT BEEN REFLECTED IN THE COUNTY'S ORDINANCE. THEREFORE, THE COUNTY'S ORDINANCE IS NOT CURRENT WITH FLORIDA LAW AND NEEDS TO BE REVISED. THE PROPOSED ORDINANCE ADOPTS THE PROVISIONS OF FLORIDA STATUTE 849.0931, AS AMENDED. THEREFORE, AS THE STATE AMENDS STATEWIDE REGULATIONS OF BINGO OPERATIONS, THE COUNTY'S ORDINANCE WILL AUTOMATICALLY UPDATE AND STAY CURRENT. THE PROPOSED ORDINANCE ALSO ADDS REQUIREMENTS AND REGULATES BINGO IN MORE DETAIL THAN THE FLORIDA STATUTE. FLORIDA COURTS AND THE ATTORNEY GENERAL HAVE RECOGNIZED THAT LOCAL GOVERNMENTS MAY REGULATE CONDUCT AND ADD REQUIREMENTS THAT ARE IN ADDITION TO STATE REQUIREMENTS. THERE HAS BEEN A CONCERN VOICED IN THE ST. JOHNS COUNTY BINGO COMMUNITY THAT THERE IS, OR MAY BE, THE POTENTIAL FOR COMMERCIALIZING THE PLAYING OF BINGO IN A WAY NOT INTENDED BY THE FLORIDA STATUTE OR COUNTY REGULATION. THE PROPOSED ORDINANCE CREATES A LEVEL PLAYING FIELD WHERE CHARITABLE AND OTHER QUALIFIED ORGANIZATIONS CAN CONDUCT BINGO FOR THE PURPOSES INTENDED BY THE FLORIDA STATUTES AND COUNTY REGULATION. THE PROPOSED ORDINANCE IS INTENDED TO BENEFIT CHARITABLE ORGANIZATIONS BY HELPING TO ENSURE PROCEEDS ACTUALLY GO TO CHARITABLE PURPOSES

Proof of publication of the notice of public hearing on the bingo ordinance was received having been published in *The St. Augustine Record* on April 23, 2005.

Maguire informed the public that he was a member of the Elks, but that had not been an issue in this situation because he did not play bingo.

(2:06 p.m.) Patrick McCormack, Assistant County Attorney, gave a brief history of bingo in Florida; reviewed the Florida Grand Jury's recommendations for regulating bingo; reviewed the Florida Statute regarding bingo; reviewed bingo, in general; displayed some advertisements from Jacksonville with three jackpots per day; reviewed the bingo regulations for Ocala, Florida; reviewed the bingo regulations for Jacksonville, Florida; then, reviewed the options for St. Johns County.

(9:50 a.m.) Wanda Staffeldt, 3970 Vail Point Terrace, was unable to stay for the afternoon presentation, and stated she was against the bingo ordinance, and stated her reasons.

(9:55 a.m.) Mildred Bonafede, 340 Bonafede Lane, St. Augustine, was unable to stay for the afternoon presentation and spoke against the bingo ordinance.

(2:38 p.m.) Elizabeth Ramos, 263 Almansa Road, commented on the charitable contributions from Allied Veterans; she also cited a situation where Allied Veterans assisted a woman and her child who because of her child's mounting medical bills and hospital visits, lost everything. Allied Veterans assisted in providing an apartment, furnishings, food, and helped pay bills.

(2:45 p.m.) Sheila Asbury, 112 Wisteria Road, commented on the charitable contributions of Allied Veterans.

(2:47 p.m.) Dolores Sup, 3770 Winterhawk Court, commented in opposition to the bingo ordinance.

(2:49 p.m.) Helen Knight, 2854 N. 5<sup>th</sup> Street, representing the Activity Department of the Ponce de Leon Care Center, extended their sincere appreciation to the volunteers of Allied Veterans for their monthly bingo game at Ponce de Leon Care Center.

(2:51 p.m.) Pat Jilson, 77 Andora Street, representing Anastasia Chapter of the American Business Woman's Association, commented in support of Allied Veterans of the World, bingo nights, and the jackpots.

(2:52 p.m.) Carolyn Carney, 10705 E. Deep Creek Blvd., spoke for Patti Rice, addressed the charitable contributions received by Goliath and Be-Be's World, Inc., from Allied Veterans of the World; then, commented in opposition to the bingo ordinance.

(2:56 p.m.) Jerry Bass, 2826 Waterview Circle, Jacksonville, read a letter from the Department of Veterans Affairs, commending Allied Veterans of the World for their charitable contributions; then, commented in opposition to the proposed bingo ordinance.

(3:00 p.m.) Wayne Reyes, 134 ½ San Marco Avenue, representing Elks Lodge #829, questioned the distribution of the charitable contributions by Allied Veterans.

(3:02 p.m.) Dana Gillespie, 1451 San Juline Circle, representing the St. Augustine Youth Services, commented on the charitable contributions received from Allied Veterans.

(3:03 p.m.) Jake Quigley, 871 Viscaya Blvd., representing St. Joseph's Benevolent Alliance, commented on the charitable contributions from Allied Veterans.

(3:07 p.m.) Sylvia Reynolds, 400 Whispering Circle, #15, representing Prevent a Litter Society, commented on the donations from Allied Veterans for their spayed/neutered program.

(3:11 p.m.) Saundra Woodall, 255 Atlantis Circle, addressed the contributions from Allied Veterans; then, commented in opposition to the bingo ordinance.

The meeting recessed at 3:17 p.m. and reconvened at 3:25 p.m.

(3:26 p.m.) Tammy Byrer, 280 Johns Glen, Executive Director of the St. Francis House, commented on the contributions from Allied Veterans; then, commented in favor of the proposed ordinance.

(3:30 p.m.) Jim Harden, 6301 Costanero Road, representing the emergency services and Homeless Coalition Transitional Housing Program for homeless children and their parents, commented on the contributions from Allied Veterans; then, commented in opposition to the proposed ordinance.

(3:33 p.m.) Master Chief Tim Malak, 11238 Willesdon Drive, Jacksonville, commented on the donations from Allied Veterans; then, commented in opposition to the proposed ordinance.

(3:35 p.m.) Eric Saye, 1525 Vista Cove Road, commented in opposition to the proposed ordinance.

(3:38 p.m.) Lyle Hartley, 530 Anderson Street, spoke on behalf of his mother, commented in opposition to the proposed ordinance.

(3:41 p.m.) Tom Hopkins, 6125 Church Road, Elkton, representing Boy Scouts Troup #205, commented in opposition to the proposed ordinance.

(3:44 p.m.) Helen Tobey, 520 Florida Club Blvd., #109, commented on the distribution of funds to charitable organizations in relation to the total funds being collected at the bingo games.

(3:49 p.m.) Richard Torpy, 202 N. Harbor City Blvd., Melbourne, attorney for Allied Veterans, addressed the purpose of the ordinance; addressed the charitable contributions from Allied Veterans; commented on how the proposed ordinance would affect bingo operations; then, commented in opposition to the proposed bingo ordinance. (4:02 p.m.) Torpy responded to questions of the Board regarding Allied Veterans' bingo operation.

Discussion followed regarding the proposed bingo ordinance.

(4:18 p.m.) Deputy Clerk Robin Platt entered the meeting; Deputy Clerk Yvonne King left the meeting.

(4:18 p.m.) Stern commented that she did not feel that she had been lobbied and questioned how Allied Veterans chose the charities to receive donations; discussion ensued.

(4:26 p.m.) Bob Catuto, 1420 A1A, representing Elks Lodge 829, explained that they only had three jackpots and could still support their charities and discussion followed.

(4:33 p.m.) Diane Quick, 7 Hopkins St., Habitat for Humanity, stated that she supported the Elks Lodge and the adoption of the ordinance. Additionally, she questioned whether Habitat was listed as one of the charities contributed to by Allied Veterans, as they had not received any donations from them; Maguire responded that they were not.

(4:35 p.m.) Albert Robinson, 2546 Shore Drive, urged the Board to pass the ordinance, as their needed to be a level plane for all bingo operators within the county.

(4:39 p.m.) Carrie Moody, 8250 White Tower Rd., Hastings, questioned who would make up for any loss of donations to the charities if this ordinance passed and bingo revenues dropped off.

(4:41 p.m.) Louis Wise, 1820 Shore Dr., addressed the inability to enforce the current ordinance and urged the Board not to delay in adopting the proposed ordinance.

(4:46 p.m.) MacCormack explained that his office had not tried to favor any particular organization, but follow the law, when they wrote the proposed ordinance. Maguire agreed, and stated that the Commission wanted to keep bingo in the county and encourage its growth.

**(4:54 p.m.) Motion by Rich, seconded by Stevenson, to enact Ordinance No. 2005-45, an ordinance of St. Johns County, Florida, regulating bingo within the unincorporated portion of St. Johns County, Florida, making legislative findings; providing definitions; establishing requirements for bingo operators, lessors, premises, and equipment, and other bingo-related requirements; making certain acts unlawful; providing penalties; repealing and replacing Ordinance No. 94-24; to be effective June 1, 2005.**

(4:55 p.m.) Rich reported that he visited Glen Tillie, an officer of VFW, at his home over the weekend. Mr. Johnny Duncan, Chief Operating Officer of Allied Veterans and previous owner of the building used by Allied Veterans, also joined the meeting. At the meeting, Duncan explained that he had leased the building back to Allied Veterans and paid the mortgage with bingo proceeds received from Allied Veterans: He later sold the building. Allied Veterans were now paying \$2,000 per week in rent to the new owner, which equates to \$104,000 per annum in rent. Rich stated that he had requested, from Mr. Torpy, documentation as to the ownership of Allied Veterans and the hall, but to date that information had not been received. Rich explained that he had requested that the County Attorney's office write an abbreviated ordinance; they did, and he distributed the revised ordinance: discussion ensued.

(5:01 p.m.) Maguire commented that something was askew if Allied Veterans paid out \$104,000 in rent, and only \$22,000 in charitable donations, per year.

The meeting recessed at 5:02 p.m. and reconvened at 5:08 p.m.

(5:08 p.m.) MacCormack reviewed the revised ordinance that was distributed by Rich.

(5:11 p.m.) **Rich amended his motion to add: "the ordinance as presented."**

(5:11 p.m.) Maguire pointed out that the ordinance limited the number of jackpots to three per day, and sessions to six hours and 75 games per day. Maguire requested that in Section 7, paragraph (a) the language "two days per week" be amended to read "four



days per week.” Rich stated that he would agree to amend his motion to three days per week.

(5:13 p.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to amend this proposal, paragraph 7(a), to read: “four days per week.”** (5:14 p.m.) **The motion to enact Ordinance No. 2005-45 carried 5/0.**

#### ORDINANCE NO. 2005-45

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REGULATING BINGO WITHIN THE UNINCORPORATED PORTION OF ST. JOHNS COUNTY, FLORIDA; MAKING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; ESTABLISHING REQUIREMENTS FOR BINGO OPERATORS, LESSORS, PREMISES, AND EQUIPMENT, AND OTHER BINGO-RELATED REQUIREMENTS; MAKING CERTAIN ACTS UNLAWFUL; PROVIDING PENALTIES; REPEALING AND REPLACING ORDINANCE NO. 94-24; AND PROVIDING AN EFFECTIVE DATE

(05/04/05 - 20 - 5:15 p.m.)

#### 14. PROPOSED PARK ORDINANCE DISCUSSION

Patrick MacCormack, Assistant County Attorney, explained that the Recreation Advisory Committee drafted an ordinance for regulating county parks, which the County Attorney’s office was in the process of reviewing, which would later be presented to the Board.

(05/04/05 - 20 - 5:18 p.m.)

#### 15. CONSIDER MOTION TO AUTHORIZE THE COUNTY ATTORNEY’S OFFICE TO EXECUTE A PROPOSAL OF SETTLEMENT WITH CONCESSIONS, INC.

Patrick MacCormack, Assistant County Attorney, explained that this proposed settlement offer, if accepted, would pay Concessions, Inc., \$1,000 and their case would go away. If not accepted, pursuant to procedural law, Concessions, Inc., would be liable for the County’s attorney’s fees, as well as their own, if they did not prevail.

(5:21 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to authorize the County Attorney’s office to execute the proposal for settlement.**

#### 16. SET 125 HEARING FOR POSSIBLE ACQUISITION OF ST. JOHNS SERVICE COMPANY

*This item was rescheduled to May 18, 2005.*

(05/04/05 - 20 - 5:22 p.m.)

#### 17. MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A PURCHASE AND SALE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND JNM BEACHSIDE DEVELOPMENT, LTD, FOR PROPERTY LOCATED WITHIN SEA GROVE TOWN CENTER, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY, AND TO PROCEED WITH ANY AND ALL DUE DILIGENCE REQUIREMENTS, AND TO CLOSE THE TRANSACTION IN

ACCORDANCE WITH THE TERMS OF THE PURCHASE AND SALE AGREEMENT (*This item was formerly Consent Agenda Item 17.*)

Michael Hunt, Deputy County Attorney, addressed the changes made to the proposed purchase and sale agreement, and stated that he had not yet heard back from Mr. McGarvey as to if the changes were acceptable to him. He outlined the proposed changes: 1) in paragraph 4, language was added to indicate that the loss of parking would be “the sole remedy” for the seller if the property were used for a non-approved use; 2) in paragraph 7(b), Hunt explained, that the 12.7% in association fees represented a percentage of the total property of the town center parcels, and that the fees would be used for maintenance costs, and that the County would not be a part of the town center association. Also, the County would only pay the fees from legally available non-ad valorem tax revenue sources; 3) in paragraph 17(p), a survivability clause was added.

(5:29 p.m.) Stevenson suggested adding in paragraph 7(b) the verbiage to effect that in the event the parking were ever lost, the County would not be paying for the maintenance of the parking lot. Dan Bosanko, County Attorney, said that could be added, and that the County should not be assessed for private or political functions of a private group, but only for the bricks and mortar that it uses.

(5:31 p.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-129, approving the terms, provisions, conditions and requirements of a purchase and sale agreement between St. Johns County, Florida, and JNM Beachside Development, Ltd., for property located within the Sea Grove Town Center, and authorizing the County Administrator to execute the agreement on behalf of St. Johns County, and to proceed with any and all due diligence requirements, and to close the transaction in accordance with the terms of the purchase and sale agreement, inclusive of the addition made by Commissioner Stevenson.**

**RESOLUTION NO. 2005-129**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A PURCHASE AND SALE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND JNM BEACHSIDE DEVELOPMENT, LTD., FOR PROPERTY LOCATED WITHIN THE SEA GROVE TOWN CENTER, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY**

(05/04/05 - 21 - 5:32 p.m.)

18. BEACH RESTORATION USE AGREEMENT

Patrick MacCormack, Assistant County Attorney, explained the purpose and provisions of the agreement. **Motion by Stevenson, seconded by Bryant, carried 5/0, to authorize the Chairman of the Board of County Commissioners to execute the Beach Restoration Use Agreement, substantially in the form attached hereto.** MacCormack left the meeting.



(05/04/05 - 22 - 5:35 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson thanked Commissioners Rich and Maguire, and certain staff members, for attending the District 1 Town Hall meeting. She also presented a photo of a cake given to the Commission from the St. Johns Golf and Country Club, Exhibit A.

(5:38 p.m.)

Commissioner Rich:

Rich suggested creating a staff position to assist the Chair; Maguire agreed that that would be helpful.

(5:40 p.m.)

Commissioner Bryant:

No report.

(5:40)

Commissioner Maguire:

Maguire reported that there was a new roundabout at Mickler Road and CR 210. Maguire also reported that he had received a request from Bosanko for a volunteer to attend mediation.

Maguire commented that the State of Florida, Department of Military Affairs, was seeking a grant for restoration of the St. Frances barracks and were requesting letters of support.

Maguire also reported on various community events: a car show, to be held on May 15th at 10 a.m., in Ponte Vedra; 4-H would be hosting a 4-H awareness day/dog show on May 7th from 9 a.m. to 1 p.m., at the Ag Center.

Maguire addressed the "Better St. Johns Plan," stating that the Board would be receiving additional information very soon.

Maguire reported that he has attended a City of St. Augustine Beach Council meeting and addressed their vote to pull away from collecting impact fees. He requested that they wait 60 days to make their decision and they agreed: He would also be making the same request of the Town of Hastings and the City of Augustine.

(5:44 p.m.)

Commissioner Stern:

Stern reported that she attended a meeting at Pedro Menendez High School, hosted by the League of Women Voters, regarding the need for community pools.

(5:47 p.m.) Stevenson commented that a second town hall meeting was scheduled for May 17th, at Switzerland Point Middle School, and that a representative from the Postal Service would be in attendance. She also reported that the residents of the northwest area of the county had voted to recommend that the 32259 zip code postal designation name be "Saint Johns."

(05/04/05 - 23 - 5:49 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

Adams commended the Building Department for their efforts in implementing the new impact fees.

Adams reported that he toured the Green Cove Springs fairgrounds, and that they were working on a master plan for the County's fairgrounds.

Adams also informed the Board that Judge Alexander would be addressing them, at the next Board meeting, regarding expanding the courthouse into the current County Administration Building. He explained further that there were two five-acre parcels adjacent to the courthouse that were available for purchase: Mary Ann Blount was looking into the details.

(05/04/05 - 23 - 5:54 p.m.)  
COUNTY ATTORNEY'S REPORT

Michael Hunt, Deputy County Attorney, requested that the Board set a date for a public hearing to address the cable television matter. He requested the hearing be set for June 14, 2005. *The Board concurred.*

Dan Bosanko, County Attorney, reported that they were looking at holding the Summer Haven hearing the first week of June.

(05/04/05 - 23 - 5:56 p.m.)  
CLERK OF COURT'S REPORT

No report.

(5:56 p.m.) **Motion by Bryant, seconded by Rich, carried 5/0, to adjourn.**

With there being no further business to come before the Board, the meeting adjourned at 5:56 p.m.

REPORTS:

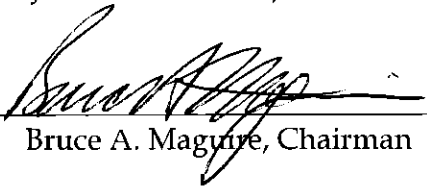
1. St. Johns County Check Register, approving check nos. 366342 through 366908, totaling \$5,536,690.74 (04/20/05)
2. St. Johns County Check Register, approving check nos. 366909 through 366910, totaling \$857.00 (04/22/05)
3. St. Johns County Check Register, approving check nos. 366911 through 366934, totaling \$722.66 (04/22/05)
4. St. Johns County Check Register, approving check nos. 366936 through 366937, totaling \$17,668.48 (04/26/05)
5. St. Johns County Check Register, approving check nos. 366939 through 366970, totaling \$53,672.04 (04/28/05)
6. St. Johns County Check Register, approving check no. 366971, totaling \$4,156.71 (04/28/05)
7. St. Johns County Check Register, approving check nos. 366973 through 366977, totaling \$134,153.06 (05/03/05)
8. St. Johns County Check Register, approving check nos. 366978 through 367560, totaling \$3,564,080.09 (05/04/05)

CORRESPONDENCE:

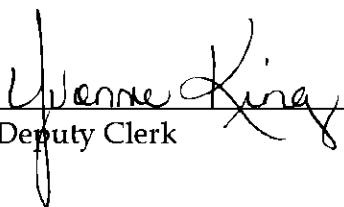
1. Letter to the Secretary of State, filing Ordinance No. 2005-38 and 2005-39 (04/22/05)
2. Letter to the Secretary of State, correcting Ordinance No. 2005-19 and 2005-39 (04/25/05)
3. Letter from the City Of St. Augustine, regarding the annexation of property (04/12/05)

Approved June 1, 2005

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

