

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 1, 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
 Robin Platt, Deputy Clerk

Also present: George Lareau, Deputy Clerk of Courts

(06/01/05 - 1 - 9:06 a.m.)
Maguire called the meeting to order.

(06/01/05 - 1 - 9:06 a.m.)
ROLL CALL

Maguire stated that all five Commissioners were present.

(06/01/05 - 1 - 9:07 a.m.)
Stern gave the Invocation and Bryant led the Pledge of Allegiance.

(06/01/05 - 1 - 9:08 a.m.)
PROCLAMATION DESIGNATING JUNE 6TH THROUGH 10TH, 2005 AS CODE ENFORCEMENT OFFICER'S APPRECIATION WEEK

Rich read the proclamation, which was accepted by James Acosta, Chief Code Enforcement Officer. Acosta thanked the Board and introduced his staff members.

(06/01/05 - 1 - 9:14 a.m.)
ACCEPTANCE OF PROCLAMATIONS

Motion by Stern, seconded by Rich, carried 5/0, to accept the proclamation.

(06/01/05 - 1 - 9:14 a.m.)
PUBLIC COMMENT

Gerald Steele, 10135 Amos Ave., Hastings, spoke to the impact of the recently increased impact fees on his plans to retire in St. Johns County; discussion ensued on the vote to increase the fees, property values and land costs. (9:25 a.m.) Maguire commented that staff had been working hard, since the vote to increase the fees, to try to improve the fee schedule, and that there were changes forthcoming.

(9:27 a.m.) Vivian Browning, 40 Beachcomber Way, speaking on behalf of St. Johns County Vision, stated that there would be an informational forum at St. Augustine High

School on June 6th at 7:00 p.m. to address transportation improvements and education and recreation plans within the county.

(9:32 a.m.) Cathy Brown, 180 Marine Street, Council on Aging, reported that while at a conference in St. Louis, she received a book from AARP regarding mobility options for older Americans. The book included a half-page write-up about the Sunshine Bus Service (Exhibit A).

(9:35 a.m.) Jeff Rudolph, 353 Marsh Point Circle, spoke on the effects of the beach renourishment projects on fishing at the pier and extending the pier. He submitted an editorial from *The St. Augustine Record* and a letter from Congressman Mica (Exhibit B).

(9:39 a.m.) Stern questioned the possibility of extending the pier and Rudolph asked if there was an engineering solution that would allow both beach protection and fishing from the pier. (9:43 a.m.) Troy Blevins, Parks Operations Manager, stated that there was an anomaly at the end of the pier that could not be built over. Bryant suggested checking with the engineer on the project to see if he had a solution. (9:44 a.m.) Edward George, Vice Mayor, City of St. Augustine Beach, 216 10th Street, addressed the renourishment issue and stated that the engineer, Mr. Taylor, was due to attend their next meeting and he invited Mr. Rudolph to attend.

(9:46 a.m.) Paul Harden, 1301 Riverplace Blvd., Jacksonville, representing Waste Management, commented on issues relating to Item 13, regarding waste disposal and the Trail Ridge landfill.

(9:54 a.m.) Helen Tobey, 520 Florida Club Blvd. #109, commented on the possible annexation of the Town of Hastings.

(06/01/05 - 2 - 10:01 a.m.)

DELETIONS TO CONSENT AGENDA

Rich requested that Item No. 11 be moved to the Regular Agenda as Item 14a: Bosanko requested that Item No. 7 be pulled.

(06/01/05 - 2 - 10:02 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
5/04/05 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2005-140**, recognizing unanticipated revenue in the amount of \$15,421.50, and increasing the Federal Grant expenditure budget [1224-55304-1050-55200] of the Fire District Fund by the same amount and motion to transfer \$15,421.50 from the Fire District Fund Reserve [1230-59920] to the Department expenditures budget [1224-55200-1050-55200]

RESOLUTION NO. 2005-140

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2005 FIRE DISTRICT BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE-RESCUE DEPARTMENT

4. Motion to approve the transfer of \$147,000 from Utility Reserves [4426-59920] and appropriate it to Wastewater Treatment Operating Supplies [4415-55200]
5. Motion to adopt **Resolution No. 2005-141**, approving a final plat for Payasada Estates

RESOLUTION NO. 2005-141

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR PAYASADA ESTATES

6. Motion to adopt **Resolution No. 2005-142**, approving a final plat for Cypress Lakes, Unit Four

RESOLUTION NO. 2005-142

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR CYPRESS LAKES UNIT FOUR

7. Motion to adopt a resolution approving a final plat for Marshall Creek DRI, Unit SV-1

This item was pulled from the Consent Agenda.

8. Motion to adopt **Resolution No. 2005-143**, accepting an Easement for Utilities for water and sewer service to Cascades at World Golf Village Subdivision

RESOLUTION NO. 2005-143

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO CASCADES AT WORLD GOLF VILLAGE SUBDIVISION

9. Motion to adopt **Resolution No. 2005-144**, accepting an Easement for Utilities for water and sewer service to Paseo Reyes Subdivision, and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2005-144

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO PASEA REYES SUBDIVISION (MARSHALL CREEK), AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

10. Motion to adopt **Resolution No. 2005-145**, approving the terms of, and authorizing the County Administrator to execute, an agreement for a Temporary Construction Easement on Russell Sampson Road

RESOLUTION NO. 2005-145

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR A TEMPORARY CONSTRUCTION EASEMENT ON RUSSELL SAMPSON ROAD

11. Motion to allow the County to begin operation of the restaurant facility at the St. Johns County Golf Course, to establish the operating budget for the Food and Beverage Service Department and authorize the addition of two full-time and two part-time staff

This item was moved to the Regular Agenda as Item No. 14a.

(06/01/05 - 4 - 10:03 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested that Item Nos. 6 and 7 be pulled.

(06/01/05 - 4 - 10:03 a.m.)

APPROVAL OF REGULAR AGENDA

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

(06/01/05 - 4 - 10:04 a.m.)

1. CONSTITUTIONAL OFFICERS' BUDGET PRESENTATIONS

Doug Timms, Director of the Office of Management and Budget, introduced this item.

(10:05 a.m.) Penny Halyburton, Supervisor of Elections, 4455 Avenue A, presented her 2005 budget requests, addressing such items as: the Florida voter registration system, voting equipment for persons with disabilities, new touch screen voting machines, early voting and staffing.

(10:23 a.m.) David Shoar, St. Johns County Sheriff, 4015 Lewis Speedway, presented his 2005 budget requests (FY 2006 Financial Summary & Analysis), addressing such items as: process analysis, an in-jail substance abuse program, a career criminal unit, a teen

driver program, a county-wide emergency notification system (Code Red), courthouse security, workmen's compensation, overtime, prison healthcare, gas prices, a new radio system, salaries, and inmate labor; discussion ensued on needs based budgeting and implementing a five year budgeting plan. (10:48 a.m.) Lareau left the meeting.

The meeting recessed at 10:51 a.m., and resumed at 11:04 a.m.

(11:04 a.m.) Mike Rubin, SJC Construction Manager, read a statement into the record on behalf of Sharon Outland, Property Appraiser, regarding her request for a capital improvement project for additional space for staffing and storage. Stevenson questioned if there was space available in the Excelsior Building that the Property Appraiser's Office could use for storage. Rubin responded that with some additional work and funding some space could be made available. Adams explained that the School Board was offering the former Hasting Elementary School to the County and that could be used for storage.

(11:13 a.m.) Rich questioned when the meeting to finalize the capital improvement bonds was to be held. Bosanko explained that the Board would make a decision on the project list at the end of June. Timms commented that the recommended budget would be brought to the Board, tentatively, on July 12th.

(06/01/05 - 5 - 11:15 a.m.)

2. PUBLIC HEARING - NZVAR 05-004, TOCOI JUNCTION - THE APPLICANT IS IN THE PROCESS OF PLATTING A PROPOSED RESIDENTIAL SUBDIVISION ON CR 214, BETWEEN CARTER ROAD AND I-95, ON THE SOUTH SIDE OF THE ROADWAY AND DESIRES THE FOLLOWING: A NON-ZONING VARIANCE TO SECTION 6.04.07.H.1 OF THE LAND DEVELOPMENT CODE TO ELIMINATE THE REQUIREMENT TO CONSTRUCT SIDEWALKS ON A COUNTY MAJOR OR MINOR COLLECTOR. THE REQUEST ALSO INCLUDES A WAIVER FROM HAVING TO PAY INTO THE SIDEWALK FUND, AS REQUIRED BY SECTION 6.04.07.H.2 OF THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on NZVAR 2005-004, Tocoj Junction, was received, having been published in *The St. Augustine Record* on May 17, 2005.

Patrick McCormack, Assistant County Attorney, entered the meeting.

Charles Kohler, Development Review Chief Engineer, presented the details of this item, stating that staff recommended denial of this variance.

(11:18 a.m.) All Commissioners disclosed ex parte communications with the applicant regarding this request; specifically, the nature of the land, sidewalks and the reasoning behind this request.

(11:18 a.m.) Bill Brown, 103 Yacht Club Dr., applicant, stated his reasons for requesting the variance: one, that the sidewalks would only serve four families, at most; and two, a portion of the sidewalk would be in wetlands, requiring that a permit be obtained from the St. Johns River Water Management District, to allow an elevated wooden walkway with handrails. The County also requested that he hold in reserve a ten-foot wide strip of right-of-way, for possible purchase at a future date for improvements to County Road 214. Brown offered to donate the right-of-way to the County, in lieu of paying into the sidewalk fund.

(11:21 a.m.) Stern commented that she supported the request for the waiver and the offer for the right-of-way exchange.

(11:24 a.m.) Bosanko, addressing the exchange, commented that the Board needed to be careful to handle the proposed transactions separately. He explained that a value would need to be set on the right-of-way land and that the County could then pay the fees for the sidewalk for Mr. Brown out of the General Revenue Fund.

(11:26 a.m.) Rich supported the waiver request and suggested continuing this item to allow time for an agreement to be reached on the sidewalk issue. Discussion continued on the rural nature of the area and the sidewalks. Kohler commented on staff's position and stated that areas of the county that are considered rural today may not be considered so in the near future.

(11:34 a.m.) Joe Stephenson, Public Works Director, responded to questions from the Board regarding the location of the sidewalk, the future plans for widening County Road 214 and the costs of building sidewalks; discussion ensued on the timing of putting in the sidewalks.

(11:43 a.m.) Bosanko recommended continuing this item to allow staff and the applicant time to negotiate the exchange.

(11:45 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to continue this item for two weeks, until the next meeting.**

(06/01/05 - 6 - 11:45 a.m.)

3. PUBLIC HEARING - NOPC 2004-04, BARTRAM PARK DRI - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE BARTRAM PARK DRI DEVELOPMENT ORDER (DO) TO MAKE THE FOLLOWING REVISIONS: REVISE SPECIAL CONDITION #36, COMMUNITY SERVICES/FIRE PROTECTION, TO EXTEND THE COMPLIANCE DATE TO NO LATER THAN SIX MONTHS AFTER THE APPROVAL OF CONSTRUCTION PLANS FOR RACETRACK ROAD, OR FIVE YEARS FROM THE DATE OF THE APPROVAL OF THIS NOPC, WHICHEVER IS EARLIER, FOR PARCEL 48 (NOT TO EXCEED 3.02 ACRES), AS DEPICTED ON MAP H OF THE DEVELOPMENT PLAN; REVISE SPECIAL CONDITION #39, RECREATION AND OPEN SPACE TO EXTEND THE COMPLIANCE DATE FOR THE TWO ACRE CANOE ACCESS PARK IMPROVEMENTS TO NO LATER THAN SIX MONTHS AFTER APPROVAL OF CONSTRUCTION DRAWINGS FOR THE IMPROVEMENTS OF RACETRACK ROAD, OR FIVE YEARS FROM THE DATE OF APPROVAL OF THE NOPC APPLICATION. IN ADDITION, THE PROPOSAL CHANGES LANGUAGE FOR THE TRAIL DEVELOPMENT TO 'A CLEARED TRAIL AND WALKWAY OVER THE WETLANDS AS NECESSARY FROM THE PARKING AREA TO THE CANOE LAUNCH AND TAKE OUT AREA'. THE NORTHEAST FLORIDA REGIONAL COUNCIL HAS REVIEWED THIS REQUEST AND FOUND THAT THE PROPOSED NOPC DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE DRI. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS NOTICE OF PROPOSED CHANGE (NOPC) REQUEST BY A VOTE OF 6/0 AT THE MAY 5, 2005 PUBLIC HEARING

Proof of publication of the notice of public hearing on the notice of proposed change, NOPC 2004-04, Bartram Park DRI, was received, having been published in *The St. Augustine Record* on May 17, 2005.

Lindsey Haga, Planner II, presented the details of this item. (11:48 a.m.) Susan McDonald, 1301 Riverplace Blvd., Jacksonville, was present on behalf of the applicant. (11:48 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to adopt Resolution 2005-146, approving a Notice of Proposed Change to the Bartram Park DRI Development Order, adopting Findings of Fact 1 through 4 to support the motion.**

RESOLUTION NO. 2005-146

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE BARTRAM PARK DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON SEPTEMBER 19, 2000, UNDER RESOLUTION 2000-139 AND PREVIOUSLY MODIFIED BY RESOLUTION 2001-93, APPROVED MAY 8, 2001; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(06/01/05 - 7 - 11:49 a.m.)

4. PUBLIC HEARING - MDP 2005-06, BARTRAM SPRINGS MULTIFAMILY- THE BARTRAM PARK PUD PROVIDES THAT A MASTER DEVELOPMENT PLAN (MDP) FOR EACH PORTION WITHIN ST. JOHNS COUNTY SHALL BE SUBMITTED, REVIEWED AND PROVIDED TO THE PLANNING AND ZONING AGENCY FOR A RECOMMENDATION AND THE BOARD OF COUNTY COMMISSIONERS FOR CONSIDERATION AND APPROVAL. THIS REQUEST SEEKS APPROVAL OF A MASTER DEVELOPMENT PLAN FOR THE RETENTION POND ONLY, WHICH WITH THE EXCEPTION OF BARTRAM SPRINGS PARKWAY, IS THE ONLY PORTION OF THE PUD LOCATED WITHIN ST. JOHNS COUNTY. BARTRAM SPRINGS MULTIFAMILY CONTAINS 278 MULTI-FAMILY UNITS AND .21 ACRES OF ACTIVE RECREATION ON 32.1 ACRES, ALL BUT THE RETENTION POND ARE LOCATED WITHIN DUVAL COUNTY. THE PLANNING DIVISION HAS ROUTED THIS MDP TO ALL APPROPRIATE REVIEWING DEPARTMENTS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS MDP AT THEIR MAY 5 HEARING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on the Master Development Plan 2005-06, Bartram Springs Multifamily, was received, having been published in *The St. Augustine Record* on May 17, 2005.

Teresa Bishop, Planning Director, presented the details of this item. (11:49 a.m.) Jamey Suber, 1650 Prudential Drive, Jacksonville, was present on behalf of the applicant. (11:49 a.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to adopt Resolution No. 2005-147, known as MDP2004-41, Bartram Springs Multifamily, adopting Findings of Fact 1 through 4 to support the motion.**

RESOLUTION NO. 2005-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A MASTER DEVELOPMENT PLAN TO THE BARTRAM PARK PLANNED UNIT DEVELOPMENT; ORDINANCE NO. 2001-03

(06/01/05 - 8 - 11:50 a.m.)

5. PUBLIC HEARING - REZ 2005-11, MITCHELL REZONING - THIS IS A REQUEST TO REZONE 1.03 ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-2) FOR AN ADDITIONAL SINGLE FAMILY HOME. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF CANAL BLVD., JUST EAST OF SOUTH WILDERNESS TRAIL, AND IS IN RESIDENTIAL-B COASTAL LAND USE AREA, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WILL BE PROVIDED BY INTERCOASTAL UTILITIES. ADJACENT ZONINGS ARE OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR APRIL 21, 2005 MEETING

Proof of publication of the notice of public hearing on REZ 2005-11, Mitchell Rezoning, was received, having been published in *The St. Augustine Record* on May 17, 2005.

Teresa Bishop, Planning Director, stated that there was no additional information to add on this item, and that two letters in favor and two letters in opposition to this item were received. Discussion ensued on what the RS-2 zoning would allow. (11:52 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to enact Ordinance 2005-52, known as REZ2005-11, Mitchell Rezoning, adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2005-52

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

6. PUBLIC HEARING - REZ 2004-21 EDWARD GEORGE - THIS IS A REQUEST TO REZONE 1.025 ACRES FROM RESIDENTIAL SINGLE FAMILY (RS-3) TO OFFICE PROFESSIONAL (OP) FOR A PROFESSIONAL ENGINEERING OFFICE.

This item was pulled from the agenda.

7. PUBLIC HEARING - PUD 2004-31, SOLANO ROAD RETAIL CENTER PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY .57 ACRES LOCATED SOUTH OF SOLANO ROAD, WEST OF A1A, TO EXPAND AN EXISTING SHOPPING CENTER BY 1,000 SQUARE FEET, TO BE ADDED TO THE EXISTING BUILDINGS WEST END.

This item was pulled from the agenda.

(06/01/05 - 8 - 11:53 a.m.)

8. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PLAN (HAP) COVERING STATE FISCAL YEARS 2005/06, 2006/07 AND 2007/08 AND SETTING AN EFFECTIVE DATE

Dana Leth, Homeownership Programs Administrator, handed out a new agenda packet and explained that the SHIP program needed to recapture funds that they invested if a

homebuyer sold, refinanced or transferred their home, as the program was in danger of running out of funds. SHIP would also get back the percentage of the total purchase price from the net gain (or equity) of the sale, refinance or transfer of the property. On other programs, such as rehabilitation, disaster mitigation and non-profit homeowner development (Habitat) where the funds were forgiven at 10% over 10 years, the term would be lengthened to 5% over 20 years. (12:00 p.m.) Tom Crawford, Director of Housing and Community Services, explained how the monies would be recaptured.

(12:04 p.m.) Maguire reviewed the changes submitted in the new agenda packet that was submitted, and stated that there needed to be corrections made to pages 8, 9, and 10; the word "ten" needed to be changed to "five."

(12:06 p.m.) **Motion by Bryant, seconded by Stevenson, carried 5/0, to approve Resolution 2005-148, SHIP Local Housing Assistance Plan for the Fiscal Years ending 06 through 08, with the corrections on pages 8, 9 and 10.**

RESOLUTION NO. 2005-148

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PLAN (HAP) COVERING STATE FISCAL 2005/06, 2006/07, AND 2007/08, AND SETTING AN EFFECTIVE DATE

The meeting recessed at 12:07 p.m. and reconvened at 1:37 p.m.

(06/01/05 - 9 - 1:37 p.m.)

9. HOMESTEAD EXEMPTION "GRANNY FLATS" PROPOSED ORDINANCE DISCUSSION

Isabella Lopez, Senior Assistant County Attorney, gave the presentation. She stated that the ordinance would reduce the value of the homeowner's property based on expansion of the home to house either the owner's parent or grandparent over the age of 62. She said it was a local option created by constitutional amendment a few years ago, and the County had not enacted it yet. (1:39 p.m.) Bosanko clarified that if the ordinance was enacted, it would not change the zoning laws. He said it would reduce the taxable value of the existing building, but did not give permission to add another unit, measured by the addition of a kitchen. He said anyone opting to build an addition needed to check the zoning rules.

(1:40 p.m.) Maguire clarified that the added valuation of the addition would be temporarily removed from the ad valorem assessment during the lifespan of the person residing in it. He said that when the person left or died the value would be added back to the property for taxing purposes. Lopez responded that was correct and the homeowner would have to file for the exemption. She also explained she might be able to "tweak" the retroactive aspects of the proposal, which would go back to January 2003. She cautioned there might be some question on whether the property appraiser would concur with the retroactive timing of the construction. Maguire asked the date to establish occupancy. Lopez responded that on January 1, the parent or grandparent had to be occupying the addition. (1:45 p.m.) Stern asked what qualified for a Granny Flat. Lopez said any additional living quarters for that elderly relative that did not include a full kitchen. Lopez listed the relatives who qualified and explained that the Property Appraiser would determine the primary residence and the secondary

residence. Additionally, she said they would have to meet all the Florida Administrative Code requirements, which would be inclusive in the ordinance. Discussion ensued regarding various scenarios for death, abandonment, claiming of Homestead Exemptions and Save Our Homes. Lopez said the maximum exemption would be the additional value of the improvement, or 20% of the value of the property, whichever was lower. The Board agreed to hear the update on June 28.

(06/01/05 - 10 - 2:02 p.m.)

10. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD BID NO. 05-95, CONSTRUCTION OF BARTRAM TRAIL BRANCH LIBRARY ADDITION, TO DIVERSIFIED DEVELOPMENT SOUTHEAST, FOR THE TOTAL LUMP SUM BID AMOUNT OF \$866,500

Mike Ruben, Director Construction Services, gave the presentation and explained that the bids were very close, but were higher than anticipated. The recommendation was to award the bid to Diversified Development Southeast for the total lump sum bid amount of \$866,500. He explained that all the current projects were over the original estimates and most of that was because of the masonry work.

(2:07 p.m.) Motion by Stevenson, seconded by Stern, carried 5/0, to authorize the County Administrator, or his designee, to award Bid No. 05-95, construction of Bartram Trail Branch Library addition, to Diversified Development Southeast, for the total lump sum bid amount of \$866,500.

(06/01/05 - 10 - 2:08 p.m.)

11. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD BID NO. 05-93, CONSTRUCTION OF ST. AUGUSTINE AMPHITHEATRE AND ARBORETUM, PHASE II, TO THOMAS MAY CONSTRUCTION COMPANY FOR A TOTAL LUMP SUM BID AMOUNT OF \$3,120,500

Mike Ruben, Construction Services Director, gave the presentation and explained the scope of the construction to be performed. He said the funding of the arboretum was in the form of a grant and would be revisited by the Board at a later date. He said Staff recommended acceptance of Alternates 2 thru 5. He said the bids were all fairly close.

(2:10 p.m.) Motion by Stern, seconded by Bryant, carried 5/0, to authorize the County Administrator, or his designee, to award Bid No. 05-93, Construction of St. Augustine Amphitheatre and Arboretum, Phase II, to Thomas May Construction Company for a total lump sum bid amount of \$3,120,500.

(06/01/05 - 10 - 2:11 p.m.)

12. COOPERATIVE EXTENSION SERVICE AGRICULTURE UPDATE

David Dinkins, Agricultural Extension Director, made the presentation regarding the Cooperative Extension Service, including staffing, programming and facilities. He also gave an update regarding the on-going work of a tri-county committee, addressing agriculture, natural resources and growth management issues. He reviewed a request for a Memo of Understanding with the University of Florida Extension Administration, which he would be bringing forward for review at the end of the summer. He said it covered salary issues, expectations and other administrative issues. He told of a fundraiser for 4-H and encouraged everyone to attend.

(2:20 p.m.) Dinkins emphasized that farmers in Florida and St. Johns County were becoming an endangered species and the situation was very serious. He said that between 1997 and 2002 the county had lost about 5% of agriculture land each year and it would soon be 10% each year. He said that had an enormous impact upon our economy and referred them to the analysis by the University of Florida. He said it involved \$171 million in output impact, 2,600 jobs and money generated from taxes. He reviewed the Committee for the Integration of Agriculture and Natural Resources into the TCAA Economics & Planning (Ag Growth Management Committee) summary document and the recommendations that resulted from it. Dinkins said they had one researcher left at the center, Dr. Chad Hutchinson, Horticulture Scientist. He explained that Dr. Hutchinson was the individual who developed the low carb, low calorie potato, which had resulted in a million dollar business in St. Johns County. Dr. Hutchinson's department chairman would like for him to return to teach at the university. He requested the Board members write a letter to the University of Florida to honor the good faith request to keep Dr. Hutchinson at the research center until they could decide what direction the center was going to go in and to support the proposal. He said his leaving would basically shut all research down.

(2:28 p.m.) Stern expressed appreciation for the presentation and stressed the importance of the agricultural impact on the economy to our county. She lauded Dr. Hutchinson's work on the new potato, as well as the development of mud minnows, also developed at the research center. She said the Ag Center was vital to retaining the little agricultural land we had left. She said she would support the writing of a letter to keep Dr. Hutchinson here. Maguire asked Dinkins to draft a letter. Stern said she would hand deliver the letter to Dr. Cheek.

(2:32 p.m.) Rich said the presentation was very disturbing. He mentioned development rights and expressed concern about historical value of those involved in agriculture in St. Johns County. (2:34 p.m.) Stevenson said the high development agricultural land and the high development value of the land portrayed in the handout "Farming on the Edge" was very telling. (2:35 p.m.) Stern said it was important to maintain our agricultural heritage, and for us to do all that we can to help farmers remain in farming. She said it was not up to the County to do it all, but Congressman Mica was also interested in discussing assisting our farmers.

(06/01/05 - 11 - 2:38 p.m.)

13. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE UNIT PRICE(S) AND CONTRACT TERMS AND CONDITIONS FOR BID NO. 05-84, WASTE MANAGEMENT AND DISPOSAL SERVICES

Joe Burch, Purchasing Manager, made the presentation for waste management and disposal services. He said the current contract with Sea Board Waste Systems would expire on July 31, 2005. Two firms had responded to RFP 05-84, for new services to operate both transfer stations and to provide transportation to and disposal at a Class I landfill. He was requesting to award the contract to Waste Management and Disposal Services. He said the City of Jacksonville had sent a letter of proposal to dispose of waste at the cost of \$22 per ton, down from the current \$25 rate, which was negotiable. He asked whether they should negotiate with the City and what options there were for consideration.

(2:41 p.m.) Bryant said he would prefer that they build a relationship with Jacksonville. He stated that if negotiations should fail, they should have a fall back plan just in case. He said he felt they could work out something with Jacksonville to use Trail Ridge, with the fall back of going to Cheshire Island. *Maguire said the consensus was to move forward*

with the City of Jacksonville to see if we could improve the contract to our benefit. (2:44 p.m.) Burch said they would need to negotiate the transportation fees for hauling to a closer site to hopefully get a reduced price.

(2:44 p.m.) Maguire asked for legal advice if they directed Staff to negotiate with the City of Jacksonville and remove that element from the RFP if they were legally bound to renew the RFP again because of the change in the transportation locations. (2:45 p.m.) Michael Hunt, Deputy County Attorney, gave the various options. (2:50 p.m.) Maguire asked if they could renegotiate the fees because of the reduced distance. Hunt responded, that they could break down the request into components and renegotiate.

(2:51 p.m.) Bosanko added they should take special note of the current contract that was for the operation of the transfer center that would end July 31, 2005. He said he understood that Sea Board was losing money on the current contract. He advised that they were probably anxious to end that service in its present form. He said if they rejected all the bids, they would be in a corner, and it might place them in a position where Sea Board would hold all the cards and cause the service to be at a premium. (2:52 p.m.) Rich said they would be looking at a serious potential problem if they messed with contract after an award, and they should go with the low bid and honor it. (2:54 p.m.) Bryant said Waste Management had the lowest proposal, regardless of the delivery site, and the negotiations with Jacksonville should be secondary. Burch asked if they should go with the bid they submitted regardless of the site. Bryant said they should honor the low bid. Burch asked if they should get it at the price they submitted. Bryant said that was right, they had won the low bid and the Board needed to honor that. Burch said they should at least ask them if they were willing to reduce the price.

Public Comment:

(2:57 p.m.) Paul Harden, attorney for Waste Management, Inc., of Florida, 6501 Greenland Rd., Jacksonville, said their preference was for disposal at Cheshire Island where the cost was lower. He said they would be happy to deal with the City of Jacksonville. He said they had operated Trail Ridge for over 15 years and would be happy to use that facility, and they would be happy to negotiate with the City directly, or be the County's partner in those negotiations.

(3:00 p.m.) Bryant said we could still haul to Cheshire Island, with the caveat that they might come back to Trail Ridge if Jacksonville failed. Harden said they were prepared to honor their bid and to go along with their proposal today.

(3:01 p.m.) Tim Dunham, Office of General Counsel, City of Jacksonville, stated they valued their relationship with St. Johns County and would like to continue negotiating directly with St. Johns County. Maguire said he had met with Mayor Peyton and said they had the full intention of carrying through with the process and keeping the contract with the County.

(3:04 p.m.) Jim Arnold, Sea Board Waste Systems, 9755 C.E. Wilson Rd., St. Augustine, said he was pleased with the direction the Board was moving in, with respect to continuing the relationship with Trail Ridge. He reviewed the history of Sea Board with the Board. He said he had reviewed what would happen if the County decided to use Trail Ridge. He said he had not submitted his lowest price based on the County's decision to solicit a second round of prices from the three most responsive bidders, which they did. Arnold said they were awarded the contract. He said they had agreed to use Trail Ridge, but that Trail Ridge was not included in any fashion in the RFP at the mandatory, pre-proposal conference held in mid-April. He said he was saving his lowest price for the re-bid, which he thought was coming, based on the previous

instruction given at the pre-proposal conference. He asked that they take that into consideration and would allow them to submit prices to Trail Ridge.

(3:10 p.m.) Hunt responded he did not recall any mention of throwing out the bids or going back to square one. He said if it did happen it was outside of the normal addenda process. He stated he was not in the meeting, but the comments were forwarded to him. (3:11 p.m.) Arnold said the question was asked pointedly and very clearly. He said that, Burch was at the meeting conducted by Schwab, who made the statement "the County will throw the proposal out and solicit new bids." (3:11 p.m.) Schwab said that a statement for throwing out the bid was not made by him or anyone in the meeting. He said the question did come up with the City of Jacksonville and he stated that if the Board chose to do that it would be at their discretion, but the bid stood as the documents prescribed in the RFP. He said the bid document was very specific and very binding, so there should have been no question of what they were bidding on. (3:12 p.m.) Burch asked that the tape of the meeting be listened to. He further explained the process and what it would be. He said the RFP stood on its own.

(3:13 p.m.) Bryant said they had a legitimate bid on the table, and that it was irrelevant where they carried the waste. (3:14 p.m.) Stern said she would support the legitimate bid currently on the table. (3:14 p.m.) Stevenson asked if the meeting was taped. Burch responded that the meeting had been taped. Stevenson expressed concerns on the contract, including the nominal fines considering the size of the contract and the fuel element adjustment. She said she was surprised not to see a decrease in the price because of the increased volume. Burch responded said there was a sliding scale and the prices had been submitted irrespective of volume and with that understanding.

(3:17 p.m.) Rich said he had modified the motion in reference to what they had before them. *Motion by Rich to authorize the County Administrator, or his designee, to negotiate unit price and contract terms and conditions that apply only to the use of an alternate land fill disposal area with the number one (1) ranked firm, Waste Management, Inc. Staff will submit an agenda item at a later Board meeting for consideration by the BCC of the recommended unit prices, payment details and other contract terms and conditions.* Motion died for lack of a second.

(3:19 p.m.) Bryant said the motion should stand as it was written. He said the details would be worked out and would be brought back to the Board for approval. (3:19 p.m.) Maguire said he was expecting the motion to include the City of Jacksonville. (3:19 p.m.) Rich explained his motion and why he had made it that way. He said he did not want to leave the issue as open-ended as it was currently. (3:20 p.m.) Hunt said the motion, as presented, included the issues that should be raised. He said the City of Jacksonville, or whoever, was a sub-part of the entire process. He said they should go with the proposal as made and then could negotiate. (3:22 p.m.) Stevenson addressed comment to the legal staff and asked if the tape reflected they were misinformed if it would affect them contractually. Bosanko said either he, or someone, would listen to the tape and would give them a report on it at the next Board meeting. He said no documents had been signed yet and if they were misinformed they would be able to give appropriate consideration.

(3:23 p.m.) *Motion Bryant, seconded by Stevenson, to authorize the County Administrator, or his designee, to negotiate unit prices and contract terms and conditions with the number 1 ranked firm, Waste Management, Inc., or if negotiations fail, to authorize the County Administrator, or his designee, to negotiate with the number 2 ranked firm, Seaboard Waste Systems. Staff will submit an agenda item at a later board meeting for consideration by the BCC of the recommended unit prices/payment details and other contract terms and conditions.*

(3:24 p.m.) Discussion ensued on the differences between the two motions and *Bryant stated that in order to clarify he would withdraw the motion: Stevenson withdrew her second.* Maguire said there was a motion by Rich on the floor. Rich reread the motion. Stern asked if the motion allowed them to negotiate with Trail Ridge. Rich said it would apply to an alternate landfill. Bosanko said that was correct, but it required them to use an alternate. Rich clarified the only change would be using some other landfill, but the motion was the same and the bid would stand as submitted. Stern said she would feel better if they would remove the word "only". Bosanko said if they used the word "possible" it would help. Maguire said they were making it more complicated than it needed to be and clarified the intent. *Rich's motion died for lack of a second.*

(3:30 p.m.) Motion by Bryant, seconded by Rich, to authorize the County Administrator, or his designee, to negotiate unit prices and contract terms and conditions with the number 1 ranked firm, Waste Management, Inc., or if negotiations fail, to authorize the County Administrator, or his designee, to negotiate with the number 2 ranked firm, Seaboard Waste Systems. Staff will submit an agenda item at a later board meeting for consideration by the BCC of the recommended unit prices/payment details and other contract terms and conditions.

(3:31 p.m.) Stern asked if a motion needed to be made, or if the Board's direction was enough to ensure negotiations with Trail Ridge. Bryant said it wasn't necessary because when it came back to the Board, if they weren't satisfied with it, it could be voted down and instructions given to go back and renegotiate. Rich asked if they would negotiate with the second lowest bidder without returning to the Board first. Maguire responded they would not. Discussion ensued regarding listening to the tape of the meeting, the second bidder and time being of the essence. (3:33p.m.) **The motion carried 5/0.**

The meeting recessed at 3:34 p.m., and resumed at 3:44 p.m.

[\(06/01/05 - 14 - 3:44 p.m.\)](#)

14. CONSIDER A MOTION TO SET A 125 HEARING FOR POSSIBLE ACQUISITION OF ST. JOHNS SERVICE COMPANY

Bosanko said that within the last hour he had received a copy of the Attorney General's opinion, addressed to the County, and read it into the record. He said the letter was an answer to two questions:

1. Is St. Johns County authorized to entirely prohibit the sale of a private water/wastewater system located within the county to a municipality located outside the county.

He stated the response was "noncharter counties, such as St. Johns County, have only such powers of self-government as are provided by general or special law... It is my opinion that a noncharter county has no authority to prohibit the acquisition by a municipality or of a water utility within the boundaries of the county."

2. Must such sale be approved as a matter-of-right if the criteria described in section 367.071(4)(e), Florida Statutes, are satisfied?

"In sum, the county that is not subject to Public Service Commission regulation has no responsibility under section 367.071(4), Florida Statutes, to dispose of an application for the sale or transfer of a utilities certificate of authorization or facilities as provided in that statute."

Bosanko said the answer to question number 2, in summary, was that the criteria was not applicable to the county.

(3:48 p.m.) Maguire clarified the question, stating that approximately a month and a half ago the question was that in relation to that potential purchase, if Jax Beach Electric wanted to buy the system, whether the County could stop or manipulate the sale, and the answer was no. (3:49 p.m.) Bosanko said that was correct. He read from the letter again stating, "The statute does not require any county that has opted out of the Commission Regulation, pursuant to Section 367.171, to follow the certificate of authorization provisions of Section 367.071." He restated that the regulations did not apply to the County.

Public Comment:

(3:49 p.m.) Ginger Lilly Peace, Executive Director, Ponte Vedra Beach Chamber of Commerce, 920 Grist Mill Ct., Ponte Vedra Beach, read the Chamber's position statement into the record. She also reviewed the Chamber's Due Diligence Summary.

(3:52 p.m.) Marcy Silkebaken, 1145 Neck Rd., Ponte Vedra Beach, requested they answer questions regarding rate blending, proposed rates, including conservation rates, the price and the due diligence time frame, before setting the hearing. She requested that if a meeting date was set, that they meet in the evening and after August 5th, when school was in session, instead of the week of the July 4th holiday, in order to increase participation at the meeting.

(3:54 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, requested a meeting date when people could attend the meeting and asked for more time to review the issues.

(3:55 p.m.) Carl Bloesing, 12 La Vista Drive, Ponte Vedra Beach, President Ponte Vedra Beaches Coalition, asked them not to negotiate a price that would cause undue hardship or raise the rates of the present rate payers.

(3:56 p.m.) Robert Huhta, 204 Greencrest Dr., Ponte Vedra Beach, said there should be no increase in rates directly attributable to acquisition. He reviewed the Mike Rocha study and said it would confirm a proposed increase of 40%. He noted that St. Johns County's utility management had not presented one word in defense as to why SJC should pay a 40%, or more, premium for a utility that was in need of repair. He said three Ponte Vedra homeowners' associations and the PVB Chamber of Commerce had independently looked at it and unanimously said they should pay no more than \$22,000,000. Huhta reviewed figures that Commissioners had quoted at various times: Rich, \$19.5 million; Bryant, \$22 million; Maguire, \$18 million; and Stevenson \$26 million. He said they were all lower than the \$29.68 million currently on the table, and it was not worth that much. He asked them to carefully consider that before they decided on a purchase price.

(4:02 p.m.) Bryant asked Huhta to clarify what he (Bryant) had said. Huhta responded that Bryant had said that the \$22 million, barring any other information, or words to that effect. He said perhaps Bryant should clarify. Brant said his exact words were "the calculated value (i.e. the income approach method) was \$22 million...not the market value, under the PSC criteria."

(4:03 p.m.) Maguire questioned Huhta about where he got the word "substantial". He said no rates had been projected at all by the County and he did not know where he got the figure of 40% on the average. Huhta said they needed to see what the real numbers

were and if they told him it was 2%, they would have to have an audit, with the County numbers versus their numbers and that their 40% numbers were closer to the real truth.

(4:06 p.m.) Mike Twomey, PO Box 5256 Tallahassee, attorney for Sawgrass Association, Sawgrass Players Club, Marsh Landing and Seaside Board of Directors. He said the interpretation of the Attorney General's ruling put counties at a disadvantage. He encouraged them to try to change the law. He said they shouldn't bid against themselves because they feared the entry through a potential bid for purchase by the City of Jacksonville Beach. He said his clients' response was to wait and see what Jax Beach would do, if anything. He said his clients had no objection to the purchase of the utility, if the purchase price was correct and did not include an increase of their rates. He asked them not to go forward with anything above \$22 million. He added that if they did decide to go forward, they would ask two things: First, the necessary information to comply with the dictates of the statute, so that residents of the area could prepare themselves for the hearing; and second, to hold the meeting at a time that would allow for the maximum number of residents to participate. He said that by law, in order to set a hearing, they had to declare a purchase price and read the statute in that regard. Additionally, he said it was a part of the statute and important for them to include the physical condition and, at a bare minimum, what the rates would be. He said they had to be presented legally before they could set the 125 hearing. He challenged the proposed July 7th, saying they would like to have the information requested and know the rates before they went to the hearing. He asked for a minimum of 30 days for his clients to analyze the purchase price, the rates, the impacts on them and the contractual documents before going into a hearing.

(4:15 p.m.) Deputy Clerk Yvonne King entered the meeting. Deputy Clerk Terry Bulla left the meeting.

(4:16 p.m.) Bosanko agreed that they would need a price number to adequately run all the reports necessary for the 125 hearing. (4:17 p.m.) Bryant asked what they were missing in order to set a 125 Hearing that day. Hunt explained they needed to have a firm purchase price and the actual contract. (4:19 p.m.) Bryant asked if 10 days prior to the hearing was enough; Twomey responded that it was not, that they needed a minimum of 30 days. Bryant stated he had requested statistical information from bond council, and as soon as he received it he would make it available to Twomey and his constituents, as well as to the Board. (4:23 p.m.) Discussion ensued regarding what a substantial deviation should constitute and Hunt provided clarification to concerns expressed by Stevenson in that regard. Bryant said he agreed that the statute needed to be changed and that the County was at a distinct disadvantage, but that they needed to make the best of the current situation.

(4:32 p.m.) Stevenson asked Ginger Lilley Peace to return to the podium. Ms. Peace said they had not recommended a specific amount of money, but recommended using the income valuation approach to valuing the utility. She said that PBS&J, the Board's consultant, had arrived at the figure of \$22,192,462 using that approach. Stevenson responded that the acquisition of St. Johns Service Company by St. Johns County, using St. Johns Service Company rates, was \$22,192,462, and that part of the reason they did not recommend using the income approach was that it depended on what rate was used. She quoted from the report, "That the cost ranged from \$22,192,462 to \$73,253,880," and that "The wide variance in this method's result demonstrates that basing a purchase price solely on one's ability to pay should not be the basis for developing an equitable purchase price." (4:35 p.m.) Maguire noted that PBS&J had come up with four different dollar figures, but they had only used one of those figures. (4:35 p.m.) Charles Bushong, 25500 Marsh Landing Parkway, Ponte Vedra, reviewed the four exhibits/spread sheets, which were based on income valuation methods. He

said the first exhibit, quoting \$22,192,462, appeared to be an illustration using rates that were in force currently and it was put through various scenarios based on expenses, bond interest, etc. He said at the January 20, 2005 meeting, Mark Walsh, the consultant, said that the first amount would be the amount at which, under current rates, the County could afford to purchase the utility. He said the rates that were in force right now were the numbers they should be looking at and the other three rates should not even be included in the analysis. (4:39 p.m.) Stevenson said that they needed to be sensitive to the rates, but that St. Johns Service Company rates could not be used as the sole determining factor, as there were other important variables. She said they had to make a decision on a long-term basis. (4:43 p.m.) Bryant said the analysis used in the PBS&J report would not be the norm because of the Attorney General's opinion. He said he thought they were going to be forced to deviate from the income approach on the purchase of the utility, if they decided to move forward on it. He explained that they were boxed in by the circumstances. He said he was going to look at the purchase price, but also the structure of the debt service. He cautioned that in order to remain in control of the utility services in the County, they were going to have to get creative and look at various scenarios to accomplish that goal. (4:44 p.m.) Bushong encouraged them to look at the comparable study.

(4:44 p.m.) Motion by Stevenson, seconded by Maguire, to set a 125 Hearing for the possible acquisition of St. Johns Service Company at a price not to exceed \$27 million for the purchase. Discussion ensued.

(4:45 p.m.) Bosanko clarified that they did not want that figure to include the financing cost. Maguire said that was the contract price. (4:49 p.m.) Schwab explained that there were additional costs on top of the acquisition price of the utility and that figure would be utilized to set the rates, or what is called the rate base. He clarified that all the financing and establishment of the rates would be based on \$27 million. Maguire stated that was correct. (4:51 p.m.) Maguire clarified that they were putting together a contract offer that was not yet presented to, or signed by, the seller. Hunt stated that it was a proposed purchase and sale agreement, not an offer. Bosanko added that it was not intended to be an offer until the Board said it was an offer. Maguire said that they were in the process of developing an offer and it would not become a formal offer until the end of the 125 Hearing, if they decided to proceed. He said they could not do a rate structure until the price was determined, nor could they determine due diligence until they determined a contract. He explained that all the issues that people wanted fell into line with exactly what they were trying to establish at that meeting, so they will know the direction the Board was taking. He stated it had been the expressed position of the Board that there would be no rate blending. (4:55 p.m.) Bosanko stated that he could not say that there would never be any rate blending. He said that based on what he had been told there would probably be different rate structures for differing parts of the County. He said that for the future they would have to look at the facts at that time.

(4:56 p.m.) Maguire said the Board was in complete agreement with Huhta's request for no undue hardships. He said that regarding the physical condition of the property that they could not do the due diligence on the property, which would mean a physical evaluation, until the 125 Hearing was done, a proposed offer contract was completed, and the seller had signed the offer. He said they could not put the cart before the horse. He explained that the purpose of the 125 Hearing was to accomplish all the requests that people had expressed that day. He said that as far as the date and time of the hearing, he did not care about the date, but he cautioned that it had to be held early in the day because they anticipated the meeting to last from six to ten hours and it needed to be held early enough so they could finish a 125 Hearing. He said he also wanted to clarify an appraisal, stating it was a single document establishing that a price had been established in a free market with a willing buyer and a willing seller and it was based

on the highest and best use of the property. (5:01 p.m.) Stern said they needed to move on and get some figures established but she wanted to look at the various scenarios requested by Bryant. She emphasized that it was important to set a date convenient to the people who would be affected by the possible acquisition of the utility. (5:03 p.m.) Maguire called for a vote on the motion currently on the floor: **The motion carried 5/0.**

Maguire asked Schwab, Diane Gorski and Adams to work out a date for the meeting, to be announced at the special meeting being held on June 6th.

The meeting recessed at 5:06 p.m. and reconvened at 5:18 p.m.

(06/01/05 - 18 - 5:18 p.m.)

14a. MOTION TO ALLOW THE COUNTY TO BEGIN OPERATION OF THE RESTAURANT FACILITY AT THE ST. JOHNS COUNTY GOLF COURSE, TO ESTABLISH THE OPERATING BUDGET FOR THE FOOD AND BEVERAGE SERVICE DEPARTMENT AND AUTHORIZE THE ADDITION OF TWO FULL-TIME AND TWO PART-TIME STAFF (*Formerly Consent Agenda Item No. 11*)

Wes Tucker, Golf Course Superintendent, requested the County take over the operation of the restaurant facility at the golf course, which would require the addition of two full-time staff people, and two part-time staff people. Tucker then explained the problems they had with the previous concessionaires. Discussion followed regarding the problems with the previous concessionaires; the cost savings in the County operating the restaurant facility; and what would be involved in the County operating the restaurant facility. (5:49 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to continue this issue to Monday, June 6, 2005.**

(06/01/05 - 18 - 5:50 p.m.)

15. DISCUSSION OF POSSIBLE ANNEXATION IN THE TOWN OF HASTINGS

Stern introduced the Town Council members of Hastings: Acting Mayor Frank Sladish, Sharon Springer, Deborah Cata, Florence Chestnut, and Brenda Robinson-Felder; Ron Brown, attorney for the Town; Janis Fleet, Planner; and Shelby Jack, Town Clerk. Other Hastings' staff persons were also present.

The meeting recessed at 5:56 p.m. and reconvened at 6:02 p.m. to rearrange the seating for the two boards.

(6:02 p.m.) Brian Teeple, Executive Director of the Northeast Florida Regional Planning Council, explained the two types of annexation, voluntary and involuntary; the pitfalls of annexation; comprehensive plan compliance; and reviewed the pros and cons of annexation. (6:17 p.m.) Sladish informed the Board of the annexation issues facing the Town of Hastings. Discussion followed regarding annexation, capacity for water and sewer services, scheduling a joint meeting, and compliance with the Comprehensive Plan. (6:48 p.m.) Brown addressed annexation and concurrency. Discussion followed regarding the property owned by the St. Johns River Water Management proposed to be annexed into the Town of Hastings, and the procedures for annexation.

(7:13 p.m.) Rev. Helen Tobey, 520 Florida Club Blvd., commented on the annexation issue in Hastings.

(7:19 p.m.) Jerry Durchholz, President of the Supervisors of the Flagler Estates Road and Water District, 10405 Baylor Avenue, deferred his time to Mike Kelter, engineer.

(7:19 p.m.) Mike Kelter, engineer, 630 Myrtle Avenue, Green Cove Springs, expressed the concerns of the Flagler Estates Road and Water District regarding annexation.

(7:21 p.m.) Durchholz commented on the water issues in the Hastings areas.

(7:23 p.m.) Gary Strohming, 6325 CR 13 S., expressed concerns with the pitfalls of annexation.

(7:28 p.m.) Reubin Carter, President of the Hastings Community Improvement Association, 531 E. Ashland Avenue, Hastings, commented on the annexation of the northern part of Hastings.

(7:32 p.m.) Stern requested a joint meeting be scheduled between the two boards.

[\(06/01/05 - 19 - 7:37 p.m.\)](#)

COMMISSIONER REPORTS

Commissioner Rich:

Rich requested a meeting be scheduled regarding expenditure of capital improvement funds from the bond. Adams agreed to set a date for the meeting.

Rich requested an update on the Commission Office administrative support.

(7:38 p.m.)

Commissioner Bryant:

Bryant informed the Board that Cameron Lacy, a Ponte Vedra Zoning and Adjustment Board member, had failed to file a financial report to the Supervisor of Elections' Office due to some major medical issues, and a \$1,500 fine would be issued if the report was not filed. Discussion followed. (7:41 p.m.) *It was the consensus of the Board to assist Mr. Lacy in this matter.*

(7:42 p.m.)

Commissioner Maguire:

Maguire referred to an e-mail from Michael Joseph regarding an FDOT Study on A1A. Maguire directed Joe Stephenson to respond to the e-mail.

Maguire said he received a letter from Sheriff Shoar regarding the Law Enforcement Trust Fund distributions. Maguire requested it be placed on the next Consent Agenda to transfer \$30,000 for the Code Red Program from the Law Enforcement Trust Fund.

Maguire said he met with Dr. Proctor regarding a legislative program that was being put together on St. Johns County's top four issues.

Maguire addressed the degree program at Flagler College, and the potential benefits to the employees of the County.

(7:45 p.m.)

Commissioner Stern:

Stern reported on the meeting she attended in Washington, D.C. regarding transportation issues.

Stern commented on the river crossing; requested an item be placed on a future agenda to discuss the river crossing.

(7:49 p.m.)

Commissioner Stevenson:

Stevenson reported on a meeting of the Affordable Green Building Alliance Steering Committee she attended.

(06/01/05 - 20 - 7:53 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams informed the Board that the Florida Association of Counties was a valuable source of information.

Adams announced the 8th Annual Regional Cooperation Summit had been scheduled for Wednesday, June 22, 2005. There will be two sessions: 12:00 noon and 5:30 p.m.

Adams announced the Hurricane Preparedness Sales Tax Holiday on June 1, 2005 through June 12, 2005.

(06/01/05 - 20 - 7:56 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko addressed the Public Administration Program at Flagler College. Bosanko asked if the Board wished to agenda this item at a future meeting. Discussion followed regarding this being explored for additional schools. *It was the consensus of the Board to agenda this item for a future meeting.*

(06/01/05 - 20 - 8:00 p.m.)

CLERK OF COURT'S REPORT

No report.

(8:00 p.m.) Maguire announced the resignation of Secretary Hosea Abrew, FDOT Secretary.

(8:01 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 8:01 p.m.

REPORTS:

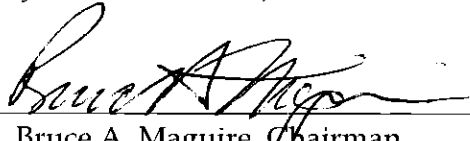
1. St. Johns County Board of County Commissioners' Check Register; Check No. 367587 through 367630; totaling \$872.18 (05/17/05)
2. St. Johns County Board of County Commissioners' Check Register; Check No. 367631 through 368239; totaling \$4,074,453.37 (05/18/05)
3. St. Johns County Board of County Commissioners' Check Register; Check No. 368240; totaling \$1,838.00 (05/23/05)

CORRESPONDENCE:

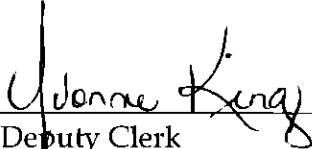
1. Letter from Liz Cloud, Florida Department of State, acknowledging the filing of corrected copies of Ordinance Nos. 2005-19 and 2005-39
2. Letter to Liz Cloud, Florida Department of State, regarding the filing of Ordinance Nos. 2005-46 through 2005-51

Approved July 12, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

