

NOTE:

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**MINUTES OF REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 27, 2005
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, 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: James E. Bryant, District 5, Chairman
Cyndi Stevenson, District 1, Vice Chair
Karen R. Stern, District 2
Ben Rich, District 3
Bruce A. Maguire, District 4
Ted Zebrowsky, Assistant County Administrator
Daniel Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Isabelle Lopez, Senior Assistant County Attorney

(12/27/05 - 1 - 9:00 a.m.)

Bryant called the regular meeting to order.

(12/27/05 - 1 - 9:00 a.m.)

ROLL CALL

Bryant announced that all five commissioners were present.

(12/27/05 - 1 - 9:00 a.m.)

Stevenson gave the invocation and Rich led the Pledge of Allegiance.

(12/27/05 - 1 - 9:01 a.m.)

PUBLIC COMMENT

Ron Schumaker, 8245 Riverview Drive, spoke on serving as a Planning and Zoning Agency member and applying for reappointment.

(9:03 a.m.) Jean Lijoi, 103 Dolphin Blvd. E., spoke on her home being destroyed by sewage caused by a St. Johns Service Company back-flow incident, Exhibit A, and needing help to correct the problems. Bosanko stated that he received documents from all involved parties, and that this Board did not have the power to resolve this dispute in a fair way, and that it needed to be handled in the courts. He offered to meet with Ms. Lijoi and personally help her find an attorney at the legal aid office or elsewhere. Discussion ensued.

(9:18 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, spoke on behalf of the Coalition, the sewage problem, health problems, and getting help from an attorney. Bryant spoke on the Health Department being a state agency. Cowan stated that someone needed to check into getting the problem corrected. Bosanko gave his opinion on the situation, and stated that he could contact the Health Department and have them give a report later on today, or at the next BCC meeting. Cowan mentioned that Lijoi had the house checked for contamination and paid for it herself. Bryant suggested that the Health Department have a representative speak at the meeting on this situation, after the two morning items.

(9:28 a.m.) George Brookshire, 12880 Hunt Club Road, N., Jacksonville, spoke on behalf of St. Johns Service Company, explaining what the company had done from the beginning of this situation up to now. Bryant asked what was being done with the things not covered by the insurance company. Brookshire replied that if it were a legitimate item they would make up the difference. Bryant stated that he thought this would be a good time for legal aid to come in and he asked Bosanko to assist her. Bosanko stated that legal aid was on stand by to meet with them. Bryant asked Zebrowsky to have a representative from the Health Department at the next meeting.

(9:38 a.m.) Ken Bryan, 126 Oyster Catcher Circle, spoke on his application to the PZA, and gave his credentials. Bryant stated the reason he didn't contact Bryan was because he was signed up to run for public office. Stevenson stated that she didn't call because he was in a district that was represented. Discussion followed on running for public office and being considered for a board at the same time.

(12/27/05 - 2 - 9:51 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the consent agenda.

(12/27/05 - 2 - 9:51 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Stevenson, seconded by Maguire, carried 5/0, to approve the consent agenda as submitted.

1. Approval of the Cash Requirement Report
2. Minutes:
 - 10/26/05 - BCC Special Meeting
 - 11/22/05 - BCC Special Meeting
 - 11/09/05 - BCC Special Meeting
 - 11/15/05 - BCC Regular Meeting
3. Sheriff's Office Bonds:
 - Approve: Jacob E. Parham
4. Motion to adopt **Resolution No. 2005-395**, approving the Economic Development Agreement with Lab Connections, and to authorize the County Administrator to execute the contract on behalf of the County, and motion to transfer \$10,590 from General Fund Reserves to Economic Development (0059-53120)

RESOLUTION NO. 2005-395

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ECONOMIC DEVELOPMENT AGENCY CONTRACT WITH LAB CONNECTIONS ON BEHALF OF ST. JOHNS COUNTY AND PROVIDING FOR AN EFFECTIVE DATE

5. Motion to adopt **Resolution No. 2005-396**, approving the Economic Development Agreement with Northrop Grumman Systems Corp., and to authorize the County Administrator to execute the contract on behalf of the County, and motion to transfer \$81,000 from General Fund Reserves to Economic Development (0059-53120)

RESOLUTION NO. 2005-396

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ECONOMIC DEVELOPMENT AGENCY CONTRACT WITH NORTHROP GRUMMAN SYSTEMS CORP. ON BEHALF OF ST. JOHNS COUNTY AND PROVIDING FOR AN EFFECTIVE DATE

6. Motion to adopt **Resolution No. 2005-397**, for approval of a final plat for Grand Cay

RESOLUTION NO. 2005-397

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR GRAND CAY SUBDIVISION

7. Motion to adopt **Resolution No. 2005-398**, authorizing the Chairman to execute the interlocal agreement between the Board of County Commissioners and the St. Johns County School Board for the Dori Slosberg Act (Drivers Education), in substantially the form as attached hereto

RESOLUTION NO. 2005-398

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, PERTAINING TO DORI SLOSBERG ACT DRIVERS EDUCATION FUNDS; AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

8. Motion to authorize the County Administrator, or his designee, to purchase the Fuel Management System from Meco of North Florida/SCI in the amount of \$59,441 (*See Attachment A*)
9. Motion to authorize the County Administrator, or his designee, to enter into a contract with the lowest responsive bidder, Florida Highway Products, Inc., in the amount of \$719,652 (*See Attachment B*)

10. Motion to authorize the County Administrator, or his designee, to purchase three (3) new engines from Pierce Manufacturing in the amount of \$941,042 from Lake County Contract #99-150
11. Motion to authorize the County Administrator, or his designee, to negotiate contract terms and enter into contract with Creative Recycling Systems, Inc., on Bid No. 06-51, Collection, Processing, Transportation, and Recycling of Obsolete Electronic Equipment (*See Attachment C*)
12. Motion to authorize the County Administrator, or his designee, to purchase four (4) 2006 1 ton trucks from Tropical Ford, in accordance with Bid No. 06-52, in the amount of \$157,016 (*See Attachment D*)
13. Motion to authorize the County Administrator, or his designee, to purchase five (5) 2006 ¾ ton 4x2 and 4X4 trucks from Tropical Ford, in accordance with Bid No. 06-59, in the amount of \$105,338 (*See Attachment E*)
14. Motion to approve CDBG deferred payment loans to the individuals selected and in the amounts recommended by the County Consultants, Jordan and Associates, under the required terms of the U.S. Dept. of HUD Community Development Block Grant Program.
15. Motion to adopt **Resolution No. 2005-399**, authorizing the execution of a Termination of an Easement located on Roscoe Boulevard, and accepting a Grant of Easement for installation of an outfall pipe from Roscoe Boulevard to the Intracoastal Waterway

RESOLUTION NO. 2005-399

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A TERMINATION OF AN EASEMENT LOCATED ON ROSCOE BOULEVARD AND ACCEPTING A GRANT OF EASEMENT FOR INSTALLATION OF AN OUTFALL PIPE FROM ROSCOE BOULEVARD TO THE INTRACOASTAL WATERWAY

16. Motion to adopt **Resolution No. 2005-400**, authorizing the Clerk of Circuit Court, under Section 95.361, Florida Statutes, to file the survey map for Pablo Drive, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same right-of-way, in accordance with the principles set forth in Downing v. Bird 100 So. 2d 57 (Fla. 1958)

RESOLUTION NO. 2005-400

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR PABLO DRIVE, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FL. 1958)

17. Motion to approve Wednesday, March 8, 2006 as the special meeting date to hold a public hearing for the SilverLeaf Plantation DRI Development Order and associated comprehensive plan amendment

18. Proofs:
 - a. Proof, Notice of Hearing, St. Johns County Water & Sewer Authority, December 7, 2005 at 9:00 a.m.
 - b. Proof, Notice of Meeting, Board of County Commissioners, Private Meeting, November 17, 2005 at 8:00 a.m.
 - c. Proof, Notice of Hearing, St. Johns County Legislation Delegation, November 22, 2005 at 4:00 p.m.
 - d. Proof, Notice to Bidders, Bid No. 06-44
 - e. Proof, Notice to Bidders, Bid No. 06-38
 - f. Proof, Notice to Bidders, Bid No. 06-51
 - g. Proof, Notice to Bidders, Bid No. 06-43
 - h. Proof, Notice to Bidders, Bid No. 06-53
 - i. Proof, Notice of Meeting, Board of County Commissioners, Private Meeting, November 9, 2005 at 9:00 a.m.
 - j. Proof, Notice of Meeting, Board of County Commissioners, Reorganization Meeting, November 15, 2005 at 9:00 a.m.
 - k. Proof, Notice to Bidders, Bid No. 06-37
 - l. Proof, Notice to Bidders, Bid No. 06-04
 - m. Proof, Notice to Bidders, Bid No. 06-40
 - n. Proof, Notice of Hearing, Board of County Commissioners, Application for Extension of Service Territory by Intercoastal Utilities, December 13, 2005 at 1:30 p.m. (The Record)
 - o. Proof, Notice to Bidders, Bid No. 06-39
 - p. Proof, Notice to Bidders, Bid No. 06-49
 - q. Proof, Notice to Bidders, Bid No. 06-52
 - r. Proof, Notice to Bidders, Bid No. 06-36
 - s. Proof, Notice of Hearing, Board of County Commissioners, Parks Ordinance, November 29, 2005 at 9:00 a.m.
 - t. Proof, Notice of Hearing, Board of County Commissioners, Parking Ordinance, November 29, 2005 at 9:00 a.m.
 - u. Proof, Notice of Public Hearing, SJC Land Use, December 13, 2005 at 9:00 a.m.
 - v. Proof, Notice of Hearing, Board of County Commissioners, Application for Extension of Service Territory by Intercoastal Utilities, December 13, 2005 at 1:30 p.m. (*PV Recorder*)
for Extension of Service Territory by Intercoastal Utilities, December 13, 2005 at 1:30 p.m. (*St. Johns Recorder*)
 - x. Proof, Notice to Bidders, Bid No. 06-56
 - y. Proof, Notice to Bidders, Bid No. 06-58
 - z. Proof, Notice to Bidders, Bid No. 06-60
 - aa. Proof, Notice to Bidders, Bid No. 06-55
 - bb. Proof, Notice to Bidders, Bid No. 06-61
 - cc. Proof, Notice to Bidders, Bid No. 06-59
 - dd. Proof, Notice to Bidders, Bid No. 06-54
 - ee. Proof, Notice to Bidders, Bid No. 06-62
 - ff. Proof, Notice of Meeting, Board of County Commissioners, Special/Private Meeting, December 13, 2005 at 8:00 a.m.
 - gg. Proof, Notice to Bidders, Bid No. 06-57
 - hh. Proof, Notice to Bidders, Bid No. 06-65
 - ii. Proof, Notice to Bidders, Bid No. 06-46

- jj. Proof, Notice of Hearing, Board of County Commissioners, Elder Living Quarters Ordinance, December 13, 2005 at 9:00 a.m.
- kk. Proof, Notice to Bidders, Bid No. 06-64
- ll. Proof, Notice to Bidders, Bid No. 06-47
- mm. Proof, Notice to Bidders, Bid No. 06-19R
- nn. Proof, Notice of Meeting, Board of County Commissioners, Cancel Private Meeting, November 17, 2005 at 8:00 a.m.
- oo. Proof, Notice of Meeting, Board of County Commissioners, Winding Creek Bluff, November 22, 2005 at 8:00 a.m.
- pp. Proof, Notice to Bidders, Bid No. 06-35

(12/27/05 - 6 - 9:51 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions or deletions to the regular agenda.

(12/27/05 - 6 - 9:52 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Maguire, seconded by Stern, carried 5/0, to approve the regular agenda as submitted.

(12/27/05 - 6 - 9:52 a.m.)

1. PUBLIC HEARING - ELDER LIVING QUARTERS TEMPORARY ASSESSMENT ABEYANCE ORDINANCE - AT THE REQUEST OF THE BOARD, THIS ITEM IS PRESENTED AGAIN FOR FULL BOARD REVIEW AT THE DECEMBER 27, 2005 BCC MEETING. AT THE JUNE 28, 2005 BCC MEETING, THE BOARD VOTED TO CONTINUE THE PUBLIC HEARING FOR ELDER LIVING QUARTERS TEMPORARY ASSESSMENT ABEYANCE ORDINANCE TO A DATE UNCERTAIN. AFTER LAND DEVELOPMENT CODE AMENDMENTS HAVE BEEN PRESENTED TO THE BOARD, THIS ORDINANCE IS PRESENTED AGAIN FOR THE BOARD'S CONSIDERATION

Isabelle Lopez, Senior Assistant County Attorney, stated that this was the third public hearing on this issue and that nothing had changed from the prior hearings. She brought information regarding the abeyance to the Board's attention. The existing language of the proposed ordinance stated, *"the temporary abeyance in the increase of the assessed value, which is granted pursuant to this ordinance, applies only to construction or reconstruction that occurred after the effective date of this ordinance to an existing homestead."* Lopez suggested inserting the following language after the word reconstruction: *"has been substantially completed after January 1, 2005."* Stern stated that she supported this ordinance. (10:02 a.m.) **Motion by Stern, seconded by Maguire, to enact Ordinance No. 2005-123, known as the Elder Living Quarters Temporary Assessment Abeyance Ordinance, inserting the language in Article V, "that the construction and reconstruction has been substantially completed after January 1, 2005."** Maguire spoke on taking care of family members. Stevenson asked about the financial impact, the exemption having a maximum amount, and voiced concern about fraud. Lopez stated that it was applicable to all taxes. Rich stated that in his opinion, it was the right and fair thing to do. (10:13 a.m.) **The motion carried 5/0.**

ORDINANCE NO. 2005-123

**AN ORDINANCE OF ST. JOHNS COUNTY, A
POLITICAL SUBDIVISION OF THE STATE OF
FLORIDA; PROVIDING FOR REFERENCE AS THE**

“ELDER LIVING QUARTERS TEMPORARY ASSESSMENT ABEYANCE ORDINANCE,” PROVIDING FOR EXERCISE OF COUNTY POWERS; AUTHORIZING A TEMPORARY ABEYANCE IN THE INCREASE OF THE ASSESSED VALUE OF HOMESTEAD PROPERTY; PROVIDING THAT SAID TEMPORARY ABEYANCE IN THE INCREASE OF THE ASSESSED VALUE RESULTS FROM THE CONSTRUCTION OR RECONSTRUCTION OF THE PROPERTY FOR THE PURPOSE OF PROVIDING LIVING QUARTERS FOR ONE OR MORE NATURAL OR ADOPTIVE PARENTS OR GRANDPARENTS OF THE OWNERS OF THE PROPERTY OR THE OWNER’S SPOUSE IF AT LEAST ONE OF THE PARENTS OR GRANDPARENTS FOR WHOM THE LIVING QUARTERS ARE PROVIDED IS AT LEAST 62 YEARS OF AGE; PROVIDING FOR ADJUSTMENTS; ESTABLISHING ANNUAL FILING REQUIREMENTS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(12/27/05 - 7 - 10:14 a.m.)

2. CONSIDER APPOINTMENTS TO THE PLANNING AND ZONING AGENCY

Motion by Maguire, seconded by Stevenson, to appoint Jason Barrett, District 4, to the Planning and Zoning Agency for a partial term, scheduled to expire December 1, 2008. *Motion by Rich to nominate Ken Bryan to the Planning and Zoning Agency for a partial term, scheduled to expire December 1, 2008. Motion failed due to lack of a second. (10:18 a.m.)* **The motion for Jason Barrett, carried 4/1 with Rich in opposition.** Stern mentioned that she did not contact Ken Bryan because he was a candidate for the County Commission. Bryant spoke on politicking from the Commissioners running for re-election. *Rich nominated Ken Bryan for the second position. The motion failed due to lack of a second.* **Stevenson nominated Brad Nelson to the Planning and Zoning Agency for a partial term, scheduled to expire December 1, 2008, seconded by Bryant, carried 4/1 with Rich in opposition.** *Rich nominated Ron Schumaker for another four-year term. The motion failed due to lack of a second. (10:24 a.m.)* **Stern nominated Deanne Grayson to the Planning and Zoning Agency for a full four-year term, scheduled to expire December 1, 2009, seconded by Bryant.** *Maguire nominated James Quinn, District 3. The motion failed due to lack of a second. Rich nominated Marcy Silkebaken. The motion failed due to lack of a second.* **The motion for Deanne Grayson, carried 4/1 with Rich in opposition.**

(12/27/05 - 7 - 10:26 a.m.)

COMMISSIONERS' REPORTS

Commissioner Stern:

Stern commended Bosanko for helping Ms. Lijoi. She spoke on a consent item that was approved this morning on driver's education. She mentioned the Sheriff's office funding for aggressive driving and tailgating.

Stern spoke on the interlocal agreements the County had with the Town of Hastings and their annexation. She asked the attorney's office to take a look at the interlocal agreements and bring back a report at the February 7th BCC meeting.

Stern mentioned receiving an e-mail from Sid Ansbacher regarding a request to set a BCC workshop on the West Augustine Weed and Seed Program, and on designating the St. Johns County Sheriff's Office as the site coordinator.

(10:30 a.m.)

Commissioner Maguire:

Maguire mentioned that he received an e-mail that beach driving passes were now available.

Maguire spoke on hazardous waste material pick up, and reminded everyone to be careful on New Years Eve.

(10:31 a.m.)

Commissioner Stevenson:

Stevenson spoke on the Save Our Homes Amendments and on addressing changes to a tax policy being difficult for her.

Stevenson asked what time the Silver Leaf Plantation DRI, listed on the consent agenda, was scheduled for: Zebrowsky replied that it was scheduled for 9:00 a.m.

(10:34 a.m.)

Commissioner Rich:

Rich thanked all the speakers who spoke today. He also thanked the serving PZA members for their service.

(10:35 a.m.)

Commissioner Bryant:

Bryant distributed the results of a study for the child protection and permanency area of the Family Integrity Program, stating that St. Johns County still rated at the top, scoring 100%.

Bryant spoke on the concerns on taxes regarding the "Granny Flats" issue. He stated that he had not seen or heard of any real overwhelming negative impacts that this issue had created.

(12/27/05 - 8 - 10:37 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Zebrowsky stated that they would like to set the workshop for the Weed and Seed Program for February 21st. *It was the consensus of the Board to set the Weed and Seed workshop for February 21st.*

(12/27/05 - 8 - 10:37 a.m.)

CLERK OF COURTS' REPORT

No report.

(12/27/05 - 9 -10:37 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(10:37 a.m.) Maguire mentioned that this had been an exciting year for St. Johns County and the Board appreciated the Staff for their hard work.

Motion by Maguire, seconded by Bryant, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 10:39 a.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, check #376807 through 376831, totaling \$74,244.29 (12/08/05)
2. St. Johns County Board of County Commissioners' Check Register, check #376832 through 377177 totaling, \$3,269,828.35 (12/13/05)

CORRESPONDENCE:

1. Letter dated December 8, 2005 to Angela Lane, St. Johns County Chamber of Commerce regarding an excerpt from a BCC meeting on October, 2005 on the postal designation proposal for Northwest St. Johns County (32259)
2. Letter dated December 9, 2005 from Kristi Reid Bronson, Chief, Bureau of Election Records, regarding receipt of affidavits from James E. Bryant and Cyndi Stevenson

Approved January 10, 2006

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Uwanda King
Deputy Clerk

