

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 3, 2002
(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: James E. Bryant, District 5, Chair
Nicholas Meiszer, District 1, Vice Chair
Marc Jacalone, District 3
Mary Kohnke, District 4
Ben W. Adams, Jr., County Administrator
James G. Sisco, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court; Allen MacDonald, Finance Director

Commissioner John Reardon, District 2, was not yet present at the meeting.

(09/03/02 - 1 - 9:08 a.m.)

The meeting was called to order by Chairman Bryant.

(09/03/02 - 1 - 9:08 a.m.)

The Invocation was given by Bryant. The Pledge of Allegiance was led by Jacalone.

(09/03/02 - 1 - 9:08 a.m.)

ROLL CALL

Bryant mentioned there were four Commissioners present, with Commissioner Reardon absent.

(09/03/02 - 1 - 9:09 a.m.)

PROCLAMATION BY THE BOARD PROCLAIMING FOR HEALTHY START

Kohnke read the proclamation. Kathy Mankinen accepted the proclamation and explained the program.

(09/03/02 - 1 - 9:12 a.m.)

PROCLAMATION PROCLAIMING THE MONTH OF SEPTEMBER AS DRUG AWARENESS MONTH

Bryant read the proclamation. Audrey Fields accepted the proclamation and explained the program.

(9:13 a.m.) Reardon entered the meeting.

(9:18 a.m.) Kohnke announced that the Regional Planning Council submitted a nomination for the St. Johns County Local Coordinating Board as the outstanding Local Coordinating Board of the Year and on August 1, the St. Johns County Local

Coordinating Board was selected as the outstanding Local Coordinating Board of the Year. She spoke on the excellence of Bryant's leadership in this entire area since 1998. Bryant stated that all the credit goes to RPC Staff and Mr. Steven Jones who handled everything.

(09/03/02 - 2 - 9:23 a.m.)
PUBLIC COMMENT

Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on the property adjacent to the Fort Mose property being for sell. Discussion followed on what could be done to obtain the property and the County doing their best to obtain this property.

(9:47 a.m.) George McClure, representing Steinemann Development Company - Florida, Inc., spoke on a letter sent by Bryant Teeple on August 26, 2002 regarding scheduling a public hearing for the World Commerce Center Development of Regional Impact. Teresa Bishop, Planning Director, stated that it was up to the Board to make the decision on the date. She mentioned that Staff had talked to the applicant about scheduling the date for November 19, and the applicant requested the date of November 12. McClure explained why the applicant preferred the date of November 12. Bishop stated that the decision on scheduling the date needed to be made today and suggested adding it on today's agenda.

(09/03/02 - 2 - 9:53 a.m.)
DELETIONS TO CONSENT AGENDA

Jacalone requested pulling item #19 from the Consent Agenda and placing it on the Regular Agenda as item A.

(09/03/02 - 2 - 9:54 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report.
2. Approval of Minutes:
07/16/02 - BCC Regular
07/23/02 - BCC Regular
3. Sheriff's Bonds:

Approve: Pedro M. DeLeon	Cancel: Ronald Preble
Approve: Keisha Gulley	Cancel: Diana Gray
Approve: Janine M. Putnam	Cancel: Margaret H. Chevalier
Cancel: Thomas Landers	Cancel: Timothy J. Carr
4. Motion to authorize the Chairman and the Clerk of Courts to execute the contract with First Union/Wachovia National Bank for banking services.
5. Motion to adopt **Resolution No. 2002-166** recognizing unanticipated revenues in the amount of \$187,000.00 and appropriating it for the purpose of the installation of storm shield hurricane barrier systems at Cunningham Creek Elementary School, Mill Creek Elementary School, Osceola Elementary School and Otis Mason Elementary School.

RESOLUTION NO. 2002-166

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2002 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY EMERGENCY MANAGEMENT DEPARTMENT

6. Motion to approve transfer of funds from E-911 Reserves (1167-59927) to E-911 Transfer to Officers (1167-59101) for equipment purchases.
7. Motion to adopt **Resolution No. 2002- 167** approving a Final Plat for St. Johns Golf & Country Club Unit Three, Phase Two.

RESOLUTION NO. 2002-167

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST. JOHNS GOLF AND COUNTRY CLUB UNIT THREE, PHASE TWO

8. Motion to adopt **Resolution No. 2002-168** approving the terms and authorizing the execution of Agreements and accepting Grant of Easements necessary for the drainage improvements on Hawkcrest Drive in the Cunningham Creek Unit III Subdivision.

RESOLUTION NO. 2002-168

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS AND ACCEPTING GRANT OF EASEMENTS NECESSARY FOR THE DRAINAGE IMPROVEMENTS FOR HAWKCREST DRIVE IN THE CUNNINGHAM CREEK UNIT III SUBDIVISION

9. Motion to adopt **Resolution No. 2002-169** accepting an Easement for Utilities for a sewer line and reconstruction of a lift station located in Seaside at Anastasia Subdivision and approving execution of a Termination of Grant of Easement.

RESOLUTION NO. 2002-169

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR THE RELOCATION AND RECONSTRUCITON OF A SEWER LINE AND LIFT STATION LOCATED IN SEASIDE AT ANASTASIA SUBDIVISION; APPROVING EXECUTION OF A TERMINATION OF GRANT OF EASEMENT, AND GRANT OF A NEW EASEMENT

10. Motion to adopt **Resolution No. 2002-170** accepting an Easement for Utilities for water and sewer service to Marshall Creek Village Center Phase I.

RESOLUTION NO. 2002-170

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARSHALL CREEK VILLAGE CENTER PHASE ONE

11. Motion to adopt **Resolution No. 2002-171** accepting an Easement for Utilities for water and future sewer service to St. Augustine Industrial Park Subdivision Phase III.

RESOLUTION NO. 2002-171

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT AND BILL OF SALE FOR UTILITIES FOR WATER SERVICE AND FUTURE SEWER SERVICE TO ST. AUGUSTINE INDUSTRIAL PARK SUBDIVISION PHASE III

12. Motion to adopt **Resolution No. 2002-172** accepting a Temporary Easement for drainage purposes for Marshall Creek Palencia MV-1 Phase I.

RESOLUTION NO. 2002-172

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY EASEMENT FOR DRAINAGE PURPOSES TO MARSHALL CREEK PALENCIA MV-1 PHASE ONE

13. Motion to adopt **Resolution No. 2002-173** accepting an Easement for Utilities for water and sewer service to Marshall Creek DRI Parcel SV-4.

RESOLUTION NO. 2002-173

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MARSHALL CREEK DRI PARCEL SV-4

14. Motion to adopt **Resolution No. 2002-174** accepting the Grant of Easement for Maintenance of the drainage ditch located on property adjacent to the Villages of Vilano Unit III.

RESOLUTION NO. 2002-174

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR DRAINAGE PURPOSES ADJACENT TO VILLAGES OF VILANO UNIT III

15. Motion to adopt **Resolution No. 2002-175** accepting and authorizing the execution of a Temporary Access Easement to a Communications Tower Site located off Roberts Road.

RESOLUTION NO. 2002-175

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF ROBERTS ROAD

16. Motion to adopt **Resolution No 2002-176** accepting an Easement for Utilities and an Easement Agreement to improve a sewer force main to the wastewater treatment plant for sewer to Anastasia Island.

RESOLUTION NO. 2002-176

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES TO IMPROVE A SEWER FORCE MAIN TO THE WASTEWATER TREATMENT PLANT FOR SEWER TO ANASTASIA ISLAND

17. Motion to direct the County Administrator to execute the KITE Grant Agreement between the Board of County Commissioners and the State of Florida, Department of State, Division of Library and Information Services (Project Number 02-LSTA-E-13).
18. Motion to approve the transfer of \$75,000.00 from 0001-0043-53120 (General Fund - Codes Enforcement - Contractual Services) to 1350-1351-53120 (Housing Abatement Fund - Housing Abatement Department - Contractual Services).
19. Motion to authorize the County Administrator to execute a contact with the St. Johns County Council on Aging to offer supportive services beginning October 1, 2002 and ending September 30, 2003.

This item was placed on the Regular Agenda as item A.

20. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the Number 1 Ranked Firm Herbert Halback, Inc., for RFP Number 02-109, William Bartram Scenic Highway Designation Application - Corridor Management Plan, or if an agreement cannot be reached with the Number 1 Ranked Firm authorization is requested to terminate negotiations with the Number 2 ranked firm and continue until an agreement is reached.
21. Motion to approve transfer from reserves to Tax Collector Commissions for the General Fund, Fire District Fund, Vilano Street Lighting District Fund, St. Augustine South Street Lighting District Fund and Solid Waste Management Fund.
22. Motion to adopt **Resolution No. 2002-177** authorizing the Chairman to enter into Amendments to the Contract for Misdemeanor Probation Services.

RESOLUTION NO. 2002-177

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO ENTER INTO AMENDMENTS TO THE CONTRACT FOR MISDEMEANOR PROBATION SERVICES DATED JULY 17, 1999

23. Motion to set Tuesday, September 17, 2002 at 9:00 a.m. in the St. Johns County Auditorium for a public hearing to enact a Business Incentive Ordinance.
24. Proofs:
 - a. Proof, Notice of Public Hearing, Petition to Vacate Portion of Old A1A Matanzas Inlet, August 13, 2002
 - b. Proof, Notice of Adoption of a Resolution, Pine Island Road Closure
 - c. Proof, Notice of Public Hearing, Land Development Code, August 13, 2002
 - d. Proof, Notice of Hearing, Ordinance 91-47 Treasure Beach Canal Municipal Service Benefit Unit, September 10, 2002
 - e. Proof, Notice of Hearing, Ordinance 91-47 Treasure Beach Canal Municipal Service Benefit Unit, September 10, 2002
 - f. Proof, Notice of Rescheduled Hearing, Ordinance 91-47 Treasure Beach Canal Municipal Service Benefit Unit, September 3, 2002
 - g. Proof, Notice of a Meeting, Economic Development Committee, August 8, 2002
 - h. Proof, Notice of Hearing, Vilano Beach Redevelopment Agency, August 13, 2002
 - i. Proof, Notice of Hearing Flagler Estates Redevelopment Agency, August 13, 2002
 - j. Proof, Notice of Public Hearing, Ordinance 87-57 Road Impact Fees, September 3, 2002
 - k. Proof, Notice of Public Hearing, Rate Increase for Disposal of Construction and Demolition Debris at the Nine (9) Mile Road Landfill, September 3, 2002
 - l. Proof, Notice of Hearing, Flagler Estates Redevelopment Agency, August 13, 2002
 - m. Proof, Notice of canceled and rescheduled Public Hearing, Vilano Beach Redevelopment Agency, August 13, 2002
 - n. Proof, Notice to Bidders, Bid No. 02-118
 - o. Proof, Notice to Bidders, Bid No. 02-119
 - p. Proof, Notice to Bidders, Bid No. 02-121
 - q. Proof, Certificate of Liability Insurance, Jacksonville Eighteen Construction, Inc.
 - r. Proof, Certificate of Liability Insurance, Industrial Services of Mobile, Inc.
 - s. Proof, Certificate of Liability Insurance, Jones Edmunds & Associates, Inc.
 - t. Proof, Certificate of Liability Insurance, Jones, Edmunds & Associates, Inc.
 - u. Proof, Certificate of Insurance, St. Johns County Welfare Federation, Inc.
 - v. Proof, Certificate of Insurance, Maltby, Gregory A. & Andrea
 - w. Proof, Cancellation Notice, Bond for Solid Waste Disposal Service
 - x. Proof, Certificate of Insurance, Phillips of Jax, LLC.

(09/03/02 - 6 - 9:54 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Reardon requested to add, per George McClure, to set a public hearing date for the World Commerce Center DRI as item A1.

(09/03/02 - 7 - 9:54 a.m.)

APPROVAL OF REGULAR AGENDA

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

(09/03/02 - 7 - 9:55 a.m.)

A. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTACT WITH THE ST. JOHNS COUNTY COUNCIL ON AGING TO OFFER SUPPORTIVE SERVICES BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003. (*From Consent Agenda item #19*)

Jacalone voiced concern on there being nothing in the contract that determines what services are going to be provided. Dan Weimer, Parks and Recreation responded. Cathy Brown, Executive Director, explained the services provided by the contract. **Motion by Kohnke, seconded by Jacalone, carried 5/0, to authorize the County Administrator to execute a contract with the St. Johns County Council on Aging to offer supportive services beginning October 1, 2002 and ending September 30, 2003 with inclusion of the services provided and contingent upon the approval of the 2003 Budget. Motion by Meiszer, seconded by Kohnke, carried 5/0, to amend the motion on the floor to add Appendix A describing the specific services.**

(09/03/02 - 7 - 10:04 a.m.)

A1. SET A PUBLIC HEARING FOR THE WORLD COMMERCE CENTER DRI

Motion by Kohnke, seconded by Bryant, carried 5/0, to set the hearing date for November 12, 2002.

(09/03/02 - 7 - 10:05 a.m.)

1. PUBLIC HEARING - AMENDMENT OF THE COUNTY'S ROAD IMPACT FEE ORDINANCE. THE SETTLEMENT AGREEMENT FOR THE MINNIS - JULINGTON PARTNERS - COUNTY LAWSUITS WILL NOT BECOME EFFECTIVE UNLESS AND UNTIL THE COUNTY AMENDS ITS ROAD IMPACT FEE ORDINANCE TO AUTHORIZE THE IMPACT FEE CREDITING AND TRANSFER PROCEDURES THAT ARE PART OF THE SETTLEMENT AGREEMENT. THE ATTACHED ORDINANCE ACCOMPLISHES THAT. THE SETTLEMENT AGREEMENT DOES NOT REQUIRE THE BOARD TO ENACT THIS ORDINANCE. THE SETTLEMENT AGREEMENT WILL, HOWEVER, "SELF DESTRUCT" IF THE ROAD IMPACT FEE ORDINANCE IS NOT AMENDED

Proof of Publication of Notice of Public Hearing on amending Ordinance No. 87-57, as previously amended (The St. Johns County Road Impact Fee Ordinance), was received having been published in The St. Augustine Record on August 2 and 19, 2002.

James Sisco, County Attorney, reviewed this item explaining the amendment. **Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2002-45 amending the County's Road Impact Fee Ordinance.**

ORDINANCE NO. 2002-45

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 87-57, AS PREVIOUSLY AMENDED (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS AMENDMENT ALLOWS ROAD IMPACT FEES TO BE USED TO PAY LAWSUIT SETTLEMENTS THAT RESULT FROM LITIGATION OVER ROAD IMPACT FEES AND/OR ROAD IMPACT FEE CREDITS; IT ALLOWS THE COUNTY TO RETAIN ROAD IMPACT FEES FOR LONGER THAN SIX YEARS WHEN ALLOWED OR REQUIRED BY A LITIGATION SETTLEMENT AGREEMENT OR COURT JUDGEEMENT AND TO SPEND OR DISBURSE THOSE FEES IN THE MANNER SET FORTH IN THE SETTLEMENT AGREEMENT OR JUDGEEMENT; AND IT PROVIDES AN EFFECTIVE DATE

(09/03/02 - 8 - 10:07 a.m.)

2. CONSIDER A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$5,500,000 ST. JOHNS COUNTY TRANSPORTATION IMPROVEMENT REVENUE REFUNDING BONDS

Sisco reviewed this item. Reardon questioned 3% being the norm. Joe Vonaseck, Budget Director, responded that there are a number of guidelines that are accepted. Kohnke questioned what would be gained out of this. William Hough responded. Discussion followed on the ratings. **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-178 authorizing the issuance and sale of St. Johns County Transportation Improvement Revenue Refunding Bonds, not to exceed \$5,500,000.**

RESOLUTION NO. 2002-178

A RESOLUTION SUPPLEMENTING RESOLUTION NO. 92-103 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON JUNE 23, 1992; PROVIDING FOR THE REFUNDING OF THE COUNTY'S OUTSTANDING TRANSPORTATION IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 1992; AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$5,500,000 AGGREGATE PRINCIPAL AMOUNT OF TRANSPORTATION IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 2002, TO FINANCE THE COST THEREOF; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2002 BONDS THE COUNTY'S PORTION OF THE PROCEEDS OF THE SIX-CENT LOCAL OPTION GAS TAX DISTRIBUTED TO THE COUNTY AND ITS MUNICIPALITIES; AUTHORIZING A NEGOTIATED SALE AND THE AWARD OF THE SALE OF THE SERIES 2002 BONDS, AND APPROVING THE CONDITIONS AND CRITERIA FOR SUCH SALE; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A

PURCHASE CONTRACT WITH RESPECT TO THE SERIES 2002 BONDS; AUTHORIZING A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT WITH RESPECT TO THE SERIES 2002 BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE SERIES 2002 BONDS AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A REGISTRAR AND PAYING AGENCY AGREEMENT; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; RATIFYING THE COUNTY'S ACCEPTANCE OF THE INSURER'S COMMITMENT RELATING TO A FINANCIAL GUARANTY INSURANCE POLICY WITH RESPECT TO THE SERIES 2002 BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF THE SERIES 2002 BONDS; AND PROVIDING AN EFFECTIVE DATE

(09/03/02 - 9 - 10:16 a.m.)

3. CONSIDER A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$8,000,000 ST. JOHNS COUNTY SALES TAX REVENUE REFUNDING BONDS

Sisco reviewed this item. Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2002-179 authorizing the issuance and sale of St. Johns County Sales Tax Revenue Refunding Bonds, not to exceed \$8,000,000.

RESOLUTION NO. 2002-179

A RESOLUTION FUTHER SUPPLEMENTING RESOLUTION NO. 86-132 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON SEPTEMBER 30, 1986, AS PREVIOUSLY AMENDED AND SUPPLEMENTED; PROVIDING FOR THE REFUNDING OF THE COUNTY'S OUTSTANDING SALES TAX REVENUE AND REFUNDING BONDS, SERIES 1994; AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE REFUNDING BONDS, SERIES 2002, TO FINANCE THE COST THEREOF; PLEDGING THE LOCAL GOVERNMENT HALF-CENT SALES TAX TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2002 BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE SERIES 2002 BONDS; ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDERS OF THE SERIES 2002 BONDS; RATIFYING THE COUNTY'S ACCEPTANCE OF THE INSURER'S COMMITMENTS RELATING TO A BOND INSURANCE POLICY WITH RESPECT TO THE SERIES 2002 BONDS AND A RESERVE INSTRUMENT TO MEET THE RESERVE REQUIREMENT; AUTHORIZING A NEGOTIATED SALE AND AWARD OF THE SALE OF THE SERIES 2002 BONDS, APPROVING THE

CONDITIONS AND CRITERIA FOR SUCH SALE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT WITH RESPECT TO THE SERIES 2002 BONDS; APPROVING A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO THE SERIES 2002 BONDS AND AUTHORIZING A FINAL OFFICIAL STATEMENT WITH RESPECT THERETO; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE SERIES 2002 BONDS; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A REGISTRAR AND PAYING AGENCY AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

Sisco left the meeting and Laura Barrow, Assistant County Attorney, entered the meeting. MacDonald left the meeting.

(09/03/02 - 10 - 10:17 a.m.)

4. CONSIDER A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO TERMINATE VOLUNTEER FIREFIGHTER ASSOCIATION CONTRACTS

Bobby Hall, Fire Rescue Chief, reviewed the termination of Volunteer Association Contracts and explained how it would affect them. Discussion followed on the volunteer service, how it would operate with the changes, adding more fire stations, and the ratings. **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-180 authorizing the County Administrator to eliminate any and all existing contracts and/or agreements between St. Johns County and the individual Volunteer Fire Department Associations currently serving St. Johns County.**

RESOLUTION NO. 2002-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING THE COUNTY ADMINISTRATOR TO TERMINATE ANY AND ALL EXISTING CONTRACTS AND/OR AGREEMENTS BETWEEN ST. JOHNS COUNTY AND INDIVIDUAL VOLUNTEER FIRE DEPARTMENT ASSOCIATIONS; NOT-FOR-PROFIT VOLUNTEER FIRE CORPORATIONS CURRENTLY SERVING ST JOHNS COUNTY, AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PREPARE AND PRESENT CONTRACTS TO THE BOARD FOR ITS CONSIDERATION WHICH WILL PROVIDE FOR TRANSFER TO ST. JOHNS COUNTY OF PROPERTY HELD BY VOLUNTEER FIREFIGHTERS' ASSOCIATIONS

(10:35 a.m.) Bryant introduced the new Assistant County Attorney, Laura Barrow. Barrow left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting. MacDonald entered the meeting.

The meeting recessed at 10:36 a.m. and reconvened at 10:49 a.m.

(09/03/02 - 11 - 10:49 a.m.)

5. CONSIDER APPROVAL OF THE ST. JOHNS COUNTY HIGHWAY PROJECT AND TRANSPORTATION ENHANCEMENT FUND PROJECT PRIORITY LISTS FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF TRANSPORTATION

Drew DeCandis, Transportation Planning Manager, reviewed, utilizing visual display, the following items; Transportation Advisory Group (TAG), Transportation Enhancement Grants, Enhancement Grant Ranking Criteria, Last Year's Enhancement Grant, This Year's Top Three Enhancement Grants and Other Enhancement Projects. Joe Stephenson, Public Works Director, spoke on a 5 feet wide paved shoulder, a 5 feet wide lane adjacent to the driving lane with signs and markings and an 8 feet multi purpose path separate from the driving lane. Discussion followed on the funding of the projects. (11:12 a.m.) MacDonald left the meeting. DeCandis continued with; Ranking of Roadway Projects, Project Rankings Inside the MPO Area, Other FDOT Projects, and New Projects. Meiszer suggested that the Board set a time for an in-depth discussion of the Intermodal Transportation Center. (11:27 a.m.) Lopez left the meeting and Michael Hunt, Assistant County Attorney, entered the meeting. Reardon suggested moving the Intermodal Transportation Center down to the bottom of the list, OP1 - King Street and Malaga Intersection as number 1, OP4 - SR 16/Four Mile Road Intersection as number 2, OP7 - May Street Drainage Project as number 3, OP3 - CR 16A/SR 13 Intersection as number 4, OP6 - US 1/Watson Road Intersection as number 5, OP5 - US 1/CR 210 West Intersection as number 6, OP2 - Intermodal Center as number 7, and OP8 - Maintenance Facility as number 8. **Motion by Jacalone, seconded by Meiszer, carried 5/0, to approve the St. Johns County Highway Project and Transportation Enhancement Fund project priority lists for transmittal to the Florida Department of Transportation.** MacDonald entered the meeting.

(09/03/02 - 11 - 11:43 a.m.)

6. CONSIDER A CONTRACT FOR ENGINEERING SERVICES TO DEVELOP DOCUMENTS FOR REQUEST FOR QUALIFICATIONS AND PROPOSALS ON A DESIGN/BUILD CONTRACT FOR A VACUUM SYSTEM CENTRAL SEWER WITHIN THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT (PVMSD) AREA

John Schwab, Special Projects Manager, reviewed this item. **Motion by Jacalone, seconded by Reardon, carried 5/0, to transfer \$55,000 from County Commission General Fund Reserve (0083-59920) to County Commission Contractual Services (002-53120) to Contract for Engineering Services to Develop Documents for Request for Qualifications and Requests for Proposals on a Design/Build Contract for a Vacuum System Central Sewer Project within the Ponte Vedra Municipal Service District (PVMSD) Area.**

(09/03/02 - 11 - 11:47 a.m.)

7. CONSIDER APPOINTMENTS TO THE LIBRARY ADVISORY BOARD

Patsy Heiss, Assistant to Administrator, reviewed this item. **Motion by Reardon, seconded by Kohnke, carried 5/0, to reappoint both of the Library Advisory Board Members who are seeking reappointment; Harold Hines and Taryn Rodriguez-Boette.**

(09/03/02 - 11 - 11:48 a.m.)

8. CONSIDER APPOINTMENTS TO THE CHILDREN'S COMMISSION

Heiss reviewed this item. Motion by Jacalone seconded by Reardon, carried 5/0, to nominate Tammy Byrer to the District 1 position on the Children's Commission to complete a term scheduled to expire April 24, 2005. Motion by Reardon, seconded by Kohnke, carried 5/0, to nominate Rachel Labrecque to the District 2 position on the Children's Commission for a four-year term, scheduled to expire September 3, 2006. Motion by Kohnke, seconded by Reardon, carried 5/0, to nominate William Shetler as representative of Children's Agency on the Children's Commission to complete a term scheduled to expire April 27, 2003. Motion by Reardon, seconded by Jacalone, carried 5/0, to appoint Paula Corbett to the alternate position on the Children's Commission for a four-year term, scheduled to expire September 3, 2006. Motion by Jacalone, seconded by Reardon, carried 5/0, to appoint Joan Kamm to the alternate position on the Children's Commission for a four-year term, scheduled to expire September 3, 2006.

(09/03/02 - 12 - 11:50 a.m.)
COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke mentioned the Regional Planning Council had received a notification of a meeting that will be held to discuss in great length the interlocal working together from the DCA on the schools and water system.

(11:51 a.m.)
Commissioner Reardon:

Reardon mentioned the St. Johns County 4-H Centennial Celebration that took place at the World Golf Village this past weekend.

(11:53 a.m.)
Commissioner Meiszer:

Meiszer spoke on a memo Adams received from Sisco in May regarding the Federal Aviation Administration removing any objection to the Airport paying impact fees with federal funds. Adams responded. Meiszer also spoke on reading in the newspapers about the DCA notifying St. Johns County about having trouble with their buffer zones and Comp Plan. Adams responded.

(11:58 a.m.)
Commissioner Jacalone:

Jacalone spoke on the Habitat Conservation Plan Drafts with more restrictions on hours and sections of the beach that can be accessed by vehicles. He stated that there seems to be some public resistance to those portions of the plan also.

(11:58 a.m.)
Commissioner Bryant:

Bryant spoke on the DCA supposed phantom letter, on stressing coordination of the groups preparing for the Super Bowl, on having a public private partnership with the Amphitheater to take some of the funding burden off of the Board and on the County moving forward on forming its own MPO.

(09/03/02 - 12 - 12:00 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reminded everyone that Election Day is Tuesday, September 10, 2002 and that there would not be a BCC Meeting on that date. He also reminded the Board that the special meeting for Nocatee is next Friday, September 13, 2002 at 9:00 a.m. in the County Auditorium.

(09/03/02 - 13 - 12:01 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(09/03/02 - 13 - 12:01 p.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 12:01 p.m. and the meeting reconvened at 1:30 p.m. with Bryant, Jacalone, Kohnke, Reardon, Meiszer, Adams, Assistant County Attorney, Isabelle Lopez and Yvonne King present.

(1:40 p.m.) Scott Clem, Director of Growth Management Services, gave a brief update on the letter from the Department of Community Affairs regarding the buffer issues.

(09/03/02 - 13 - 1:54 p.m.)

9. PUBLIC HEARING - PNVAR- 2002-011 BISHOP ESTATES NON ZONING VARIANCE. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO DELETE THE 25' UPLAND BUFFER REQUIRED IN ARTICLE IV, SECTION 4.01.02.E, OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED AT 2127 BISHOP ESTATES ROAD. THE ENVIRONMENTAL SECTION OF THE PLANNING DIVISION RECOMMENDS DENIAL OF THIS REQUEST BECAUSE THE EFFECT OF THE PROPOSED VARIANCE IS NOT IN HARMONY WITH THE INTENT OF THE CODE IN THAT UPLAND BUFFER IS NOT AVERAGED OR MITIGATED BUT WILL BE ENTIRELY ELIMINATED TO ACCOMMODATE A HOME, DRIVEWAY AND SEPTIC SYSTEM.

Proof of Publication for Notice of Public Hearing in the matter of 2127 Bishop Estates Rd., was received having been published in *The St. Augustine Record* on August 2 and 19, 2002.

Jan Brewer, Environmental Manager, commented on correspondence received in favor and in opposition. Brewer presented a visual display showing an aerial view of the property and description of the property. (2:02 p.m.) John Metcalf, 1104 Mill Creek Drive, representing applicant, spoke on the standards for creating a non-zoning variance. Noted that our State does not prohibit developing in wetlands but has a permitting program for development of wetlands. He further noted that the ordinance normally requires a 50 foot upland buffer around the wetlands, except in cases of unavoidable wetland impacts, and stated this particular situation is an area adjacent to an unavoidable wetland impact. The 50 foot buffer does not apply here because this was a *lot of record* before the 50 foot buffer kicked in. He stated that they meet the criteria for a non-zoning variance. (2:09 p.m.) John Lang, 2111 Bishop Estates Road, spoke in opposition to development of the property. (2:14 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing St. Johns County Audubon Society, spoke in opposition to removal of the buffer and in favor of protecting wetlands. (2:16 p.m.) Clark Bailey, 525 SR 13 N., Fruit Cove, spoke in opposition to development of the property and stated it is not a buildable lot. (2:20 p.m.) Ellen Whitmer, 1178 Natures

Hammock Rd. S., requested the Board uphold the Land Development Code regarding the 25 foot buffer and requested that the variance be denied, as this is an environmentally sensitive area. (2:21 p.m.) Sarah Boucher, 2093 Bishop Estates Rd., spoke in opposition to this variance. (2:23 p.m.) John Metcalf, 1104 Mill Creek Dr., commented on a letter he wrote about ordinance creation standards for creating a non-zoning ordinance. He further commented on the State of Florida's wetland regulations. (2:28 p.m.) Tim Hamilton, 8711 Perimeter Park Blvd., commented at the time the lot was permitted, there was no information available regarding sewer or water availability at that location. (2:30 p.m.) John Metcalf proposed a condition to the variance for tying into the sewer as they already have water available. Discussion followed on the history of the lot. (2:42 p.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to deny PNVAR-2002-011. Motion by Reardon, seconded by Kohnke, carried 5/0, to waive the one-year waiting period.**

09/03/02 - 14 - 2:44 p.m.)

10. PUBLIC HEARING - AMENDMENTS TO ARTICLE VI OF THE LAND DEVELOPMENT CODE - FIRST HEARING. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS. THE SECOND PUBLIC HEARING FOR THESE AMENDMENTS IS SCHEDULED FOR SEPTEMBER 17, 2002 AT 5:30 P.M. THE PROPOSED AMENDMENTS TO ARTICLE VI INCLUDE REVISIONS TO SECTION 6.04.08.D.2. PERTAINING TO REQUIREMENTS FOR MAINTENANCE BONDS, AND REVISIONS TO SECTION 6.04.07.M. PERTAINING TO REQUIREMENTS FOR EXISTING FACILITIES. THE PROPOSED REVISIONS PERTAINING TO MAINTENANCE BONDS INCLUDE CLARIFICATION THAT ONE OF THE PURPOSES OF THE MAINTENANCE BOND IS TO GUARANTEE AGAINST DAMAGE TO ROADWAY AND DRAINAGE IMPROVEMENTS DURING THE MAINTENANCE PERIOD, WHICH IS TYPICALLY 26 MONTHS AFTER THE IMPROVEMENTS ARE CONSTRUCTED. THE PROPOSED REVISIONS TO THE EXISTING FACILITIES SECTION OF THE CODE ARE TO ENSURE THAT NEW DEVELOPMENT ON AN EXISTING UNPAVED ROADWAY MUST CONSTRUCT A PAVED ROADWAY MEETING ALL CURRENT ROADWAY STANDARDS, INCLUDING PAVEMENT AND DRAINAGE IMPROVEMENTS. CURRENTLY, THE CODE ONLY REQUIRES THE EXISTING UNPAVED ROADWAY TO BE PAVED, WITHOUT IMPROVING OTHER ELEMENTS OF THE ROADWAY. THESE IMPROVEMENTS WOULD BE REQUIRED FOR ANY NEW SUBDIVISION RESULTING IN MORE THAN TWO RESIDENTIAL LOTS. THE CURRENT CODE REQUIRES IMPROVEMENTS TO UNPAVED ROADS FOR ANY NEW SUBDIVISION RESULTING IN MORE THAN ONE ADDITIONAL LOT. FURTHER, A MINIMUM ROADWAY WIDTH OF TWENTY-TWO (22) FEET WOULD BE REQUIRED FOR DEVELOPMENT ON AN EXISTING PAVED COLLECTOR ROAD, WHILE EIGHTEEN (18) FEET IS REQUIRED FOR DEVELOPMENT ON AN EXISTING PAVED LOCAL ROAD.

Proof of Publication for Notice of Public Hearing on Amendments to Article VI of the Land Development Code, was received, having been published in *The St. Augustine Record* on August 22 and September 6, 2002.

Scott Clem, Director of Growth Management Services, commented on the first public hearing to consider Amendments to Article VI of the Land Development Code. The second hearing is scheduled for September 17, at 5:30 p.m. This is to clarify that the maintenance bond covers maintenance and repair during the maintenance period, and includes damage to the roadway infrastructure. He stated that has been the policy all

along and that the language needed to be clarified. Bryant announced the second public hearing for this Item is September 17, 2002 at 5:30 p.m.

The meeting recessed at 2:58 p.m. and reconvened at 3:09 p.m. with Reardon absent.

(09/03/02 - 15 - 3:09 p.m.)

11. PUBLIC HEARING - ADOPTION HEARING FOR CPA 2002-02- PELLICER POINTE LLC. FILE #CPA (SS) 2002-02 IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE COUNTY'S FUTURE LAND USE MAP. A SMALL SCALE AMENDMENT IS SUBMITTED TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE REGIONAL PLANNING COUNCIL FOLLOWING ITS ADOPTION BY THE LOCAL GOVERNMENT. AS NOTED IN THE PZA STAFF REPORT, THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 1 SOUTH, AT THE ST. JOHNS/FLAGLER COUNTY LINE. THE APPLICANT IS ASKING TO AMEND THE 2015 FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RURAL COMMERCIAL (RC). THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT WAS FILED SIMULTANEOUSLY WITH A REQUEST TO REZONE THE SUBJECT PROPERTY FROM THE COMMERCIAL, HIGHWAY AND TOURIST (CHT) ZONING DISTRICT TO THE COMMERCIAL, RURAL ZONING DISTRICT. THE SITE MEASURES APPROXIMATELY 6 ACRES AND CONTAINS THREE VACANT BUILDINGS. ACCORDING TO THE APPLICATION THE PROPERTY WAS PREVIOUSLY USED FOR A RESTAURANT/GENERAL STORE, A DUPLEX MOTEL, AND A SCALLOP/OYSTER PROCESSING PLANT. IN ITS REVIEW OF THE PROPOSED RURAL COMMERCIAL DESIGNATION, THE PLANNING AND ZONING AGENCY EXPRESSED CONCERN ABOUT THE IMPACT OF THE PROPOSED USES UPON THE OUTSTANDING FLORIDA WATER AND AQUATIC PRESERVE AREA DESIGNATIONS. THE PZA ALSO EXPRESSED THAT THE RURAL COMMERCIAL DESIGNATION DID NOT PROVIDE ENOUGH CONTROL TO LIMIT USES THAT MAY BE INCOMPATIBLE WITH PELLICER CREEK. STAFF IS OF THE OPINION THAT THE RURAL COMMERCIAL FUTURE LAND USE DESIGNATION ACCOMMODATES THIS REQUEST AND THE PROPOSED USES. STAFF HAS NO OBJECTIONS TO APPROVAL. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED DENIAL OF THE REQUEST.

Proof of Publication for Public Hearing for Adoption Hearing for CPA 2002-02, Pellicer Pointe, LLC, was received, having been published in *The St. Augustine Record* on August 16, 2002.

Teresa Bishop, Planning Director, presented Items 11 and 12. Reardon entered the meeting at 3:13 p.m. (3:18 p.m.) David Austin, 280 Riverside Blvd., Manager of Pellicer Creek, LLC, presented an outline of his proposal and stated this project is to restore and clean up six acres located at the intersection of U.S. 1 and the St Johns County line. He is aware of opposition to this plan and is ready to deal with it. He assured that it will not harm wildlife and is concerned for public safety. He said no engines coming in, only Kayaks and canoes. He presented a letter with comments from public officials in support of this plan. (3:40 p.m.) Jacalone disclosed that he had a conversation with Ms. Frankie Pacetti, and the content of the conversation was concern for the impact that this project would have on the creek area. Jacalone also disclosed that he had conversations with Ms. Bishop regarding the project. (3:39 p.m.) Lopez responded on restrictions of re-zoning not being conditional but stated that the legislature has final authority over this. Jacalone disclosed ex-parte communication: had a conversation with Frankie

Pacetti over concern for impact that this project would have on the Creek area, and that was the main thrust of the discussion. He also had some conversation with Ms. Bishop and asked general questions about the project and she answered those with the knowledge that she and her staff had. (3:49 p.m.) Bryant disclosed ex-parte communication with Mr. Bruce Piatek from the agricultural museum by answering the phone and basically told him he was too busy to speak with him. (3:49 p.m.) Frankie Pacetti, 724 Hansen Rd., St. Augustine, commented on not being in favor of any development in Pellicer Creek. (3:52 p.m.) Sadie Stratton, 204 Vivian Drive, Hastings, prepared short visual presentation on Pellicer Creek and the no-cost canoeing, camping it already has. Bryant left meeting at 3:56 p.m. (3:57 p.m.) Bill McIntosh, 877 Favor Dykes Rd., representing the Friends of Favor Dykes State Park, commented in favor of denying the proposal. (3:58 p.m.) Al Hadeed, P.O. Box 190, addressed issues as to why this Pellicer Creek application is not in the best interest of the heritage resources. He prepared a visual presentation of proposed amendment not being compatible with Pellicer Creek; provided a quick analysis of the corridor to see why these uses would be incompatible with this area. (4:14 p.m.) Bruce Piatek, 1850 Princess Place Rd., Executive Director for Florida Cultural Museum, stated his support of Hadeed's comments. (4:15 p.m.) Harry Waldron, 118 Colon Avenue, supported preserving area. (4:17 p.m.) Ken Burke, 9741 Ocean Shore Blvd., provided information on area and designation of water reserves in St Johns County. (4:21 p.m.) Clark Bailey, 525 State Road 13, commented on boating access to river being already there. He urged County to deny application and proceed with other entities in purchasing property. (4:24 p.m.) David Austin, assured the Board that he is in agreement with those concerned with ecological preservation of the creek. He assured the Board that he will prepare deed restrictions on the purchase of the real estate. Meiszer announced that the Chairman had been called away on emergency business. (4:27 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/0, with Bryant absent, to deny proposed Comprehensive Plan Amendment File No. CPA (SS) 2002-02; finding that the proposed plan is not compatible with the Pellicer Creek Corridor in that it would allow uses that would adversely affect the Corridor's resources. The Corridor is of national, state and regional significance.**

(09/03/02 - 16 - 4:28 p.m.)

12. PUBLIC HEARING - REZ-2002-02 PELLICER POINTE REZONING. THIS REZONING REQUEST IS BEING PROCESSED CONCURRENTLY WITH A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT (CPA (SS) 2002-02 PELLICER POINTE, LLC) TO CHANGE THE FUTURE LAND USE FROM RURAL SILVICULTURE (R/S) TO RURAL COMMERCIAL (RC). THE COMPREHENSIVE PLAN AMENDMENT MUST BE APPROVED PRIOR TO REZONING TO ENSURE COMPLIANCE WITH THE FUTURE LAND USE DESIGNATION AND COMPREHENSIVE PLAN. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 6 ACRES, LOCATED AT 10270 US 1 SOUTH, FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL RURAL (CR) FOR AN OUTDOOR RECREATIONAL FACILITY, OFFERING RETAIL SERVICES INCLUDING A RESTAURANT, FLY FISHING SUPPLIES, PICNIC SUPPLIES, ICE, KAYAK AND CANOE RENTALS. THE PROPERTY CONTAINS AN EXISTING RESTAURANT, DUPLEX AND A SCALLOP/OYSTER PROCESSING PLANT. THESE BUILDINGS WILL BE RESTORED AND/OR RENOVATED FOR THE PROPOSED USES.

Proof of Publication for Notice of Public Hearing on Notice of Proposed Rezoning in the matter of REZ-2002-09 was received, having been published in the *St. Augustine Record* on July 2, 2002.

This agenda item was discussed simultaneously with agenda item #11. (4:29 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 4/0 with Bryant absent to deny rezoning application, REZ-2002-09 adopting the exact finding that was recited for the denial of the small scale amendment previously heard.**

(4:29 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/0 to recess until 5:30 p.m.**

The meeting reconvened at 5:30 p.m. with Bryant, Jacalone, Kohnke, Reardon, Meiszer, Adams, Assistant County Attorney, Michael Hunt and Judy Hamilton present.

(09/03/02 - 17 - 5:35 p.m.)

13. PUBLIC HEARING - TREASURE BEACH RE-ASSESSMENT ORDINANCE. AN ORDINANCE OF THE COUNTY OF ST. JOHNS AMENDING ST. JOHNS COUNTY ORDINANCE 91-47 TREASURE BEACH CANAL MUNICIPAL SERVICE BENEFIT UNIT. ON MAY 14, 2002 DURING AN MSBU WORKSHOP THE BOARD OF COUNTY COMMISSIONERS DIRECTED THAT SINCE THE TREASURE BEACH CANALS PROJECT YIELDED A PARTICULAR AND "SPECIAL BENEFIT" TO THE CANAL-FRONT LOT OWNERS ONLY, THE BENEFIT AREA BE RE-ASSESSED TO RECOVER TAXPAYER MONIES SPENT ON THEIR BEHALF. AS A RESULT STAFF BRINGS BEFORE THE BOARD THE FOLLOWING: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 91-47 TREASURE BEACH CANAL MUNICIPAL SERVICE BENEFIT UNIT. THIS AMENDMENT FINDS THAT PROPERTIES HAVE BEEN "SPECIALLY BENEFITED; EXTENDS THE ORIGINAL TERM OF THE MSBU ONE YEAR THEREBY PROVIDING A MECHANISM FOR THE RETIREMENT OF THE TREASURE BEACH CANAL MUNICIPAL SERVICE BENEFIT UNIT (MSBU); IMPOSES AN ASSESSMENT; APPORTIONS THE PROJECTED SHORTFALL EQUALLY AMONG ALL PARCELS, APPROVES AN ASSESSMENT ROLL, PROVIDES AN EFFECTIVE DATE

Proof of publication of notice of rescheduled hearing in the matter of Ordinance #91-47, Treasure Beach Canal MSBU was received, having been published in *The St. Augustine Record* on August 13, 2002.

Joe Stephenson, Public Works Director, made the presentation regarding the Treasure Beach MSBU retirement and the need for a one-time reassessment to retire the MSBU in a balanced state. He stated that there would be a shortfall of approximately \$41,815.00. Discussion followed regarding the repayment schedule and the associated fees. It was brought to the Commissioners attention that when this MSBU is retired the County will own the canals and he offered three possible solutions: 1) Do nothing to maintain the canals 2) Maintain the canals using public taxpayer dollars, i.e. General Revenue Funds, or 3) Establish a new MSBU for future maintenance expenses of the canals. (5:49 p.m.) Allen MacDonald, County Finance Director, explained the revenues from the assessments. (5:52 p.m.) Sid Ansbacher, 780 N. Ponce de Leon Blvd., representing the Treasure Beach Property Owners Association, commented that this has been a very troubled project. He reviewed past Change Orders and other fees, which generated additional cost that contributed to the shortfall. (6:01 p.m.) Meiszer stated that the consulting engineer did the estimates and that there was a miscalculation in the amount of material to be removed. It was believed by the Board, which was in office at that time, that the entire cost would be assessed, including administrative and other costs. There was further discussion by the Board regarding maintenance, ownership and responsibility for the canals. (6:23 p.m.) Mr. Ansbacher commented that there were findings of fact with Ordinance 91-47 that stated there were public benefits, as well as,

benefits for the residents of Treasure Beach in the County assuming ownership of the canals. (6:26 p.m.) Mr. Stephenson clarified that the \$41,815.00 is entirely shortfall and does not include any administrative overhead. He also stated that the canals were never owned by the Property Owners Association, they were purchased by the County from the developer. (6:28 p.m.) Susan Baker, 239 Treasure Beach Road, President of the Treasure Beach Property Owners Association, submitted 88 petitions, signed by 122 people. She stated they objected to this assessment action and she stated the reasons. (6:33 p.m.) Pete Diamond, 6093 Rojo Road, commented on recreation, the natural resources and the quality of marine life in the canals. He requested that the county absorb any shortfall using funds from the General Fund. (6:37 p.m.) Carl Alexanderson, 247 Treasure Beach Road, stated that ten years ago the TBPOA entered into a contract with the county and he feels that the county is trying to get out from under that agreement. (6:45 p.m.) Jim Harden, 6301 Costanero Rd., objected to the additional assessment and asked the county to absorb the shortfall. (6:48 p.m.) George Cleveland, 230 Treasure Beach Rd., referenced the May 14, 2002 workshop and reviewed the information that was disseminated at that meeting regarding public purpose or benefit, referencing Ordinance 97-54. (6:54 p.m.) Douglas Martin, 253 Treasure Beach Rd., stated that he has heard many campaign statements made by members of the Board that included the phrase, "I will listen to you, the taxpayer, to see what you want done." He requested that the Board do just that and listen to the Treasure Beach property owners, as taxpayers. He made suggestions and presented an analysis, with an overhead display, as to how to resolve this issue. He also respectfully requested that the "alleged, unprovable shortfall" be absorbed by the county. (7:01 p.m.) Meiszer stated that all of the financial accounting and financial records are available and can be obtained. (7:06 p.m.) Barbara Cleveland, 230 Treasure Beach Road, Chairman of Canal Committee, urged the County to be good stewards of the canals and stated her objections to the assessment. (7:10 p.m.) Dieter Richter, 6092 Ajo Rd., stated that part of the original agreement was that every property would have sea walls, and even now there are still some properties that do not have adequate sea walls, as that was never enforced. (7:14 p.m.) Stratton Posner, 6357 Costanero Rd., spoke, utilizing overhead display, to illustrate the current condition of the canals, e.g. the low water level and sea wall and dock deterioration. (7:17 p.m.) John Rykaczewski, 6317 Gomez Rd., feels the county has been remise in maintaining the canals. (7:21 p.m.) Allen MacDonald, Finance Director, explained that all of the documents requested by Mr. Ansbacher have been provided to him. Mr. Ansbacher has requested other documentation from Mr. Rubin regarding the project cost that he has not seen, and therefore could not comment on. The Treasure Beach MSBU has been audited by the county's independent auditors. He commented that this shortfall is an estimate, based on last years tax revenues. (7:24 p.m.) Mr. Ansbacher responded that the records received by Mr. MacDonald were financial in nature and that additional information was requested, which has not been received in full, as yet. (7:31 p.m.) Reardon suggested creating a TIF so that a new MSBU would not be needed. (7:37 p.m.) **Motion by Jacalone, seconded by Reardon, carried 4/0, that the county absorb the total cost overruns associated with this project to the amount that has been disclosed up to now and that there is no reassessment to the property owners for this overrun.** (7:38 p.m.) Jacalone commented that Tax Increment Financing, by statute is for economic type activity, and may not apply here, but it is a suggestion that is worth looking into. He stated that the original commitment by the county was for a one time dredging project, not that the county assume permanent maintenance of the canals. (7:43 p.m.) Meiszer would like to see a cost sharing between the property owners and the county regarding maintenance of the canals. (7:51 p.m.) Bryant directed that the funds to pay off the short fall would come from the General Fund Reserve in the neighborhood of \$41,815.00, plus administrative costs.

(7:52 p.m.) **Motion to adjourn by Jacalone, seconded by Bryant, carried 4/0.**

The meeting adjourned at 7:52 p.m.

REPORTS:

1. ST. JOHNS COUNTY CHECK REGISTER, CHECKS NUMBER 322985 THROUGH 323336 TOTALLING \$1,836,272.85 (08/13/02)
2. ST. JOHNS COUNTY CHECK REGISTER, CHECKS NUMBER 323337, TO REPLACE CHECK NUMBER 323306, TOTALLING \$8,042.10 (08/14/02)
3. ST. JOHNS COUNTY CHECK REGISTER, CHECKS NUMBER 323338 THROUGH 323363 TOTALLING \$44,075.89 (08/22/02)
4. ST. JOHNS COUNTY CHECK REGISTER, CHECKS NUMBER 323364 THROUGH 323935 TOTALLING \$3,352,504.32 (08/27/02)

CORRESPONDENCE:

1. LETTER TO DEPARTMENT OF STATE, REGARDING FILING OF ORDINANCES 2002-43 AND 2004-44. (08/16/02)
2. LETTER TO CITY ATTORNEY JAMES P. WILSON, CITY OF ST. AUGUSTINE REGARDING AN EASEMENT FOR A LIFT STATION. (08/29/02)
3. LETTER TO SUSAN BLOODWORTH, ESQUIRE, REGARDING A CERTIFIED COPY OF A DEVELOPMENT AND IMPACT FEE AGREEMENT. (08/27/02)
4. LETTER TO WARREN MICHAEL, REGARDING CODE ENFORCEMENT BOARD ATTENDANCE. (07/24/02)
5. LETTER TO JAMES HARLEY SHEPPARD, REGARDING CODE ENFORCEMENT BOARD ATTENDANCE. (07/24/02)
6. LETTER TO TIMOTHY B. STRONG, ESQUIRE, REGARDING REQUESTED RECORDS ON GATEWAY DISPOSAL SERVICES. (08/09/02)
7. LETTER FROM TIMOTHY B. STRONG OF COFFMAN, COLEMAN, ANDREWS AND GROGAN REGARDING A RECORDS REQUEST FOR GATEWAY DISPOSAL SERVICES. (08/06/02)

Approved September 17, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Uwanne King
Deputy Clerk