

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 27, 2003
(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: Karen Stern, District 2, Vice Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
Bruce Maguire, District 4
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, County Attorney
Cecelia Aldrich, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts, and Allen MacDonald, Finance Director

Absent: James E. Bryant, District 5, Chair

(05/27/03 - 1 - 9:01 a.m.)

The meeting was called to order by Vice Chair Stern.

(05/27/03 - 1 - 9:02 a.m.)

The Invocation was given by Maguire and the Pledge of Allegiance was led by Jacalone.

(05/27/03 - 1 - 9:02 a.m.)

ROLL CALL

Stern stated that four Commissioners were present, Commissioner Bryant was absent and would be in attendance later.

(05/27/03 - 1 - 9:02 a.m.)

PROCLAMATION GRANTING SPECIAL RECOGNITION AND APPRECIATION TO JAMES WILLIAM WALKER, M.D. FOR 16 YEARS OF DEDICATED SERVICE TO THE PEOPLE OF ST. JOHNS COUNTY, BOTH AS HEALTH AND REHABILITATIVE SERVICES DEPUTY DISTRICT ADMINISTRATOR AND DIRECTOR OF THE ST. JOHNS COUNTY HEALTH DEPARTMENT

Jacalone read the Proclamation and it was presented to Dr. Walker. (9:06 a.m.) Dr. Walker expressed his appreciation.

(05/27/03 - 1 - 9:07 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to approve the previously read Proclamation.

(05/27/03 - 1 - 9:07 a.m.)

PRESENTATION BY VETERANS OF ST. JOHNS COUNTY

Sgt. Major Ray Quinn, 1097 Winterhawk Drive, St. Augustine, Acting Co-Chair of the St. Johns County Veterans' Council, acknowledged the veterans sitting in the front row and their 100 plus years of combined service to our nation. Quinn commended Rick Tallman, Representative for the veterans in St. Johns County, as well as the Commission. He talked about the Memorial Day services and commented on the importance and benefit of the Veterans' Clinic.

(9:10 a.m.) Richard Tallman, 5101 Medoras Avenue, St. Augustine, Veterans Services, expressed gratitude for the Board's support of the Clinic and commented on the quality of the medical staff. He talked about specialty areas of medical care that they would like to see offered at the Clinic. He reported that there are currently over 3,000 veterans enrolled at the Clinic. Tallman said they would like to see a pharmacy for the veterans and noted that over 12,000 prescriptions are written per month. He reviewed the magnitude of money generated and spent by the veterans in St. Johns County. He also noted that there is a need for a full-time position for a Veterans' Services Officer to serve those in the north end of the county, as well as other areas, where veterans have a difficult time getting out. Tallman thanked the Board for all its' support.

(9:17 a.m.) Archie Tucker, 5314 Shore Drive, St. Augustine, described himself as an average disabled vet. He said he wanted to personally thank the Commission. He gave his military background and noted that he had been determined eligible for 20% disability after the Korean War, but did not elect to use that until after he retired. He mentioned that he ran into difficulty and his benefits were cut in half. He credited Rick Tallman for assistance in getting him his full 20% disability at the age of about 76. He thanked Rick Tallman and the Commissioners.

(05/27/03 - 2 - 9:19 a.m.)
PUBLIC COMMENT

(9:19 a.m.) Tom Callahan, 5840 A1A South, St. Augustine, stated that he had previously requested that the dirt road he lives on be paved. He was told someone would be in touch and that had not happened. He reiterated the request on the dirt road.

There was discussion on who Callahan talked to. (9:21 a.m.) Ivan Burrell, Superintendent, Road and Bridge Department, stated that the road would be paved within the next three years. (9:22 a.m.) Stern noted that Burrell would get back to Callahan with some dates.

(05/27/03 - 2 - 9:22 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(05/27/03 - 2 - 9:22 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to approve the transfer of \$83,500 from general fund reserves to line item 0017-53140 for outside legal expenses
3. Motion to approval suspension of the Board/Policies procedural Rule 4.101 (prohibiting Board action at meetings held outside the County Seat) for the

purpose of the Board to take action at a Special meeting held at the St. Johns County Agricultural Center located on Agricultural Drive, St. Augustine, Florida on May 28th, 2003 at 9:00 am

4. Motion to transfer \$175,000 from the Utility Reserve Fund (4426-59920) to Operating Supplies (4413-55200) to cover a shortage in Operating Supplies for expenses associated with new development (line extensions, directional drilling, new meters and meter boxes, etc.)
5. Motion to direct staff to execute the contract with the Florida Department of Juvenile Justice for mental health services to the St. Johns Regional Juvenile Detention Center
6. Motion to allow the County Administrator, or his designee, to enter into contract with Diversified Development Southeast, Inc. under Bid No. 03-73 to Remove & Refurbish the exterior of the Mowing Department (*Attachment A*)
7. Motion to adopt **Resolution No. 2003-95**, approving a final Plat for Estates At Ponte Vedra

RESOLUTION NO. 2003-95

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

8. Motion to adopt **Resolution No. 2003 -96**, approving a final Plat for Las Palmas

RESOLUTION NO. 2003-96

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

9. Motion to adopt **Resolution No. 2003-97**, approving a final Plat for Southern Creek Unit Two

RESOLUTION NO. 2003-97

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR SOUTHERN CREEK UNIT TWO

10. Motion to adopt **Resolution No. 2003-98**, accepting a donation of approximately 235 acres of existing conservation land located east of State Road 13 and north of State Road 16

RESOLUTION NO. 2003-98

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING A DONATION OF APPROXIMATELY 235 ACRES OF EXISTING

ST. JOHNS COUNTY BID TABULATION



BID TITLE REMOVAL & REFURBISH METAL BUILDING (EXTERIOR) FOR MOWING DEPARTMENT

BID NO. 03-73

OPENING DATE/TIME April 30, 2003 3:00 P.M.

FROM UNTIL

POSTING TIME/DATE 04/30/2003 4:00 PM 05/05/2003 4:00 PM

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

OPENED BY
TABULATED BY

CHERYL ALBERTSON
LEIGH DANIELS

[Handwritten Signature]

VERIFIED BY

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

BIDDERS	BASE BID PRICE	ALTERNATE # 1	ALTERNATE # 2	BID BOND	ADDENDUM # 1	ADDENDUM #2
DIVERSIFIED DEVELOPMENT SOUTHEAST, INC.	\$49,500.00	\$7,830.00	\$6,660.00	X	X	X

BID AWARD DATE - _____

ATTACHMENT "A" *Cont. 6*

52713

CONSERVATION LAND LOCATED EAST OF STATE
ROAD 13 NORTH OF STATE ROAD 16

11. Motion to adopt **Resolution No. 2003-99**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement to purchase 20 acres in Flagler Estates

RESOLUTION NO. 2003-99

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT TO PURCHASE 20 ACRES IN FLAGLER ESTATES FOR A PARK

12. Motion to adopt **Resolution No. 2003-100**, establishing the non ad valorem special assessment rates and approving a revised assessment roll for CH Arnold MSBU and Motion to adopt **Resolution No. 2003-101**, establishing the non ad valorem special assessment rates and approving a revised assessment roll for Rusty Anchor/Wendover MSBU

RESOLUTION NO. 2003-100

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ESTABLISHING THE RATES OF THE RUSTY ANCHOR/ WENDOVER ROAD MUNICIPAL SERVICE BENEFIT UNIT (MSBU) NON AD VALOREM ASSESSMENT LEVIED PURSUANT TO ST. JOHNS COUNTY RESOLUTION 2002-191, AND ADOPTING THE ANNUAL NON AD VALOREM ASSESSMENT ROLL PERTAINING THERETO

RESOLUTION NO. 2003-101

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ESTABLISHING THE RATES OF THE CH ARNOLD ROAD MUNICIPAL SERVICE BENEFIT UNIT (MSBU) NON AD VALOREM ASSESSMENT LEVIED PURSUANT TO ST. JOHNS COUNTY RESOLUTION 2002-192, AND ADOPTING THE ANNUAL NON AD VALOREM ASSESSMENT ROLL PERTAINING THERETO

13. Motion to approve **Resolution No. 2003-102**, to implement collection of non ad valorem assessments related to the Rusty Anchor/Wendover and CH Arnold MSBUs by the Tax Collector in accordance with F. S. 197.3632 (2)

RESOLUTION NO. 2003-102

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT WITH THE TAX COLLECTOR FOR THE COLLECTION OF THE NON AD

VALOREM ASSESSMENTS PURSUANT TO RESOLUTIONS 2002-191 AND 2002-192 WHICH CREATED THE RUSTY ANCHOR AND CH ARNOLD MUNICIPAL SERVICES BENEFIT UNITS; PROVIDING FOR THE REIMBURSEMENT OF ADMINISTRATIVE COSTS ASSOCIATED WITH THE COLLECTION OF NON AD VALOREM ASSESSMENTS AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA

14. Proofs:
- a. Proof, Notice to Bidders, Bid No. 03-65
 - b. Proof, Notice of Resolution Adoption, Petition to Vacate St. Johns Avenue
 - c. Proof, Notice of Annual Summit, Averting Terrorism North East Florida Regional Cooperation Summit
 - d. Proof, Notice of Hearings, Fiscal Year 2004 Administrative Budget Hearings
 - e. Proof, Notice (Display Advertising), Fiscal Year 2004 Administrative Budget Hearings
 - f. Proof, Certificate of Liability Insurance, Anderson Contracting Group
 - g. Proof, Certificate of Liability Insurance, JW Buckholz Traffic Engineer
 - h. Proof, Certificate of Liability Insurance, selective HR Solutions, Inc.
 - i. Proof, Certificate of Insurance, Collier Waste Containers, Inc.

(05/27/03 - 5 - 9:23 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bosanko stated that there was a contract issue that required discussion and requested the addition of A1. Beach Safety Contract.

(05/27/03 - 5 - 9:23 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/27/03 - 5 - 9:24 a.m.)

A1. BEACH SAFETY CONTRACT

Dave Williams, Aquatic Superintendent, reviewed that for the last several years, the County has been under contract to provide lifeguard services to the Anastasia State Recreation Area. He explained that the contract came back from the State very late on Thursday afternoon and it wasn't feasible to get it signed by all of the necessary parties before the Memorial Day weekend. He said in order to be good stewards and a good neighbor, the decision was made to go ahead and provide the lifeguard services over the weekend. Williams commented that it was a good thing and reviewed the incidents of the weekend. (9:25 a.m.) Meiszer asked about the contract and it was noted that the Commissioners did not have copies. Williams noted it is basically the same contract they have used the last three years. He apologized about the situation and asked the Board to approve the contract based on the attorney's recommendation. (9:26 a.m.) Bosanko apologized and said he had sent for copies of the contract. He said the Commissioners must have a copy of the contract before approving it. Bosanko explained that it is a standard State contract. Bosanko said the County would not be reimbursed for the \$2,500 it cost for the weekend services, as the State would not

reimburse for services provided before the execution of a contract. He indicated that there is some urgency in getting the contract signed, as the services are currently being provided. (9:28 a.m.) Meiszer asked why the County is providing service in a State Park. Williams explained that the County is able to provide a better level of service. There was discussion about other Counties providing similar services. Williams knew of one other county that contracted for similar services with the State. (9:31 a.m.) Bosanko suggested that the Board continue with the rest of the agenda until the contracts arrive and are distributed. (See page 8, 10:27 a.m.)

(05/27/03 - 6 - 9:31 a.m.)

1. MOTION TO AUTHORIZE CONSTRUCTION SERVICES TO HIRE A NEW INDIVIDUAL AS A PROJECT COORDINATOR, TO BE RESPONSIBLE FOR SHARING THE JOB-COSTING LOAD WITH THE EXISTING OFFICE MANAGER, AND ADDITIONAL PRIMARY RESPONSIBILITIES IN PERMIT ACQUISITION (ALL PHASES), CONTRACTOR COORDINATION (ALL PHASES), AND PLAN REVIEW DURING DESIGN AND DEVELOPMENT

Michael Rubin, Director Construction Services, explained the need for additional personnel. (9:32 a.m.) Maguire asked about the current staff and what the proposed tasks of the Technician would be. Discussion followed on the demands of the department. (9:35 a.m.) Meiszer asked about the job description and received reassurance that the job would be advertised.

(9:37 a.m.) Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to direct the County Administrator to add a Technician III position in the Construction Services Department.

(9:38 a.m.) Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to approve the transfer of \$12,471 from the General Fund Reserve to the Construction Services Department for the addition of the position of a Technician III in the Construction Services Department.

(05/27/03 - 6 - 9:38 a.m.)

2. DISCUSSION REGARDING CITATION AND CODE ENFORCEMENT BOARD PROCEDURES AS PER FLORIDA STATUTES, CHAPTER 162

James Acosta, Supervisor of Code Enforcement, said his presentation is in response to a request made at the last meeting. He referred to Chapter 162, Florida Statutes and commented that the advantage of the citation process is that the punishment for the violation is immediate. He said the disadvantage is that an officer has to visit each site, which is in violation, on a daily basis. Acosta said the Code Enforcement Board (CEB) is used for the more complicated cases and he explained the differences between the two procedures.

(9:40 a.m.) Dan Bosanko, County Attorney, explained that the County is given several ways to enforce its' codes within Chapter 162, Florida Statutes. He gave examples of when one might be more effective than the other. Bosanko stated that the CEB process has detailed procedures and the penalties can be high, and that this process can be slow. He commented that the CEB is the only Board in the County that has State authorized subpoena power. He likened the Citation process to the traffic ticket system, as a Code Enforcement Officer actually issues a written Citation to the violator. Bosanko said this is a more expeditious process that is specific to the violator and geared more to the minor violations. He said, in his opinion, both systems are necessary. Bosanko reported that Laura Barrows, County Attorney, has taken over the CEB cases.

(9:48 a.m.) Maguire asked who determines whether a case goes to the CEB or the citation route. Bosanko said it is the County Administrator. Acosta noted that the Statute allows the Officer to have discretionary power. Discussion followed on how determinations are made and how fines are assessed for various scenarios. It was noted that there are specific guidelines followed in making these types of determinations. (9:50 a.m.) Patsy Heiss, Assistant to the County Administrator, explained the composition of the CEB, which is determined by Florida Statute. Discussion followed on the numbers and types of violations that occur. (9:53 a.m.) Acosta displayed some statistics on the overhead, Exhibit A. He noted that some of the more common violations are: zoning setbacks, fences that are too high, operating a business in a residential area and vehicles. (9:54 a.m.) Bosanko noted that the CEB is set up as a quasi-independent board and that there is no avenue for appeal to the Board of County Commissioners, and that the only appeal process is through the Court. (9:55 a.m.) Maguire expressed concern about a Board as powerful as the CEB having the potential for abuse. Bosanko said he was not aware of any and that there have been a few cases with some very high penalties. (9:57 a.m.) Acosta noted that the Board does have an attorney that advises it. (9:57 a.m.) Meiszer said most of these Boards bend over backwards not to impose strict penalties. He determined that the four inspectors for the CEB are separate from the Building Inspectors and also commented that he thinks it is somewhat of a problem that the Building Inspectors don't pay attention to these code violations. He suggested that all inspectors that visit properties should be cross-trained.

(10:00 a.m.) Douglas Burnett, 170 Malaga Street, St. Augustine, stated that whether a case goes to the CEB or to the County Court, the appeal process for either would be Circuit Court. He expressed concern about how the determination is made as to which route a case would take. He said the County Court is accustomed to dealing with criminal cases but the Land Development Code is not easy to master. He gave a couple of examples of potentially problematic scenarios that supported why he was thought it would be better to not go to County Court.

(10:06 a.m.) Barrows joined Bosanko at the dais. (10:08 a.m.) Barrows explained that the County Court is divided into two divisions. She said there are two County Court judges; one handles criminal cases and the other civil cases. She noted that if a code violation is sent to the County Court, instead of the CEB, it would go to civil, not criminal. She gave examples of what the judge might do. (10:11 a.m.) Bosanko gave some background on Barrow's experience. He suggested that if there was a concern, he could work on some guidelines. It was noted that the judicial process serves as a check and balance. (10:14 a.m.) Jacalone said he was pleased to see by the statistics that almost all the violations are settled before they get to the CEB, citations, or the Court. Jacalone pointed out that in the event violations do make it to Court, there would be a Code Enforcement Officer present to provide explanation of the details of the violation. Discussion followed and Jacalone asked Burnett what he would like the County to do. (10:18 a.m.) Burnett suggested that the land use and building code violations go to Code Enforcement and the others to County Court. There was discussion about a land use violation having a negative impact on a property owner when in fact it could be a violation by a tenant. (10:19 a.m.) Bosanko reiterated that it might be prudent to generate some guidelines. (10:20 a.m.) Stern stated she was in favor of guidelines. (10:21 a.m.) Meiszer agreed that land development code violations should go to the CEB. He said if there is a tenant problem an exception could be made, though he suggested it is an owner's obligation to know about and manage their property. Meiszer also said he was in favor of drafting guidelines for the Board to consider. (10:22 a.m.) Maguire said he was concerned about abuse of the system and didn't want to see the County's officers restricted by regulations. (10:23 a.m.) Stern clarified that the intent is not to change the current procedures, but have written guidelines on what is currently being done. (10:24 a.m.) Jacalone agreed that it would be good to draft, in

outline form, the current procedures. (10:25 a.m.) Stern indicated that there was a consensus of the Board to have Bosanko outline the current procedures.

(10:25 a.m.) Cheryl Strickland, Clerk of Courts, informed the Board that as part of the Article V overhaul, the legislature is looking at imposing some new filing fees. She said that one of those would include a \$200.00 filing fee on non-criminal cases filed by the Counties, that are imposed by local Ordinances. She explained that this is an attempt to get non-criminal cases out of the Courts. Strickland said if this passes, the County would need to look at everything it files in the Courts.

The meeting returned to Item A1.

(10:27 a.m.) Stern stated that the Board would turn its' attention back to the Beach Safety Contract since the Contract was received. Williams commented on the difficulty in recruiting and maintaining good staff. He said prior to the contract with the county, the State Park had a difficult time with staff. Williams pointed out that having the contract gave the County control over who would be working there. In addition, he said that two very important issues are the continuity of patient care and communications with ambulances and the Sheriff's deputies. In summary he said the contract has been beneficial for both. (10:28 a.m.) Jacalone said he had reviewed the five-page contract with an attachment. **Motion by Jacalone, seconded by Maguire, to authorize the Chairman to sign the contract marked DEP Contract No. RP515.** (10:29 a.m.) Meiszer asked the County Attorney about paragraph 11, a liability clause. (10:30 a.m.) Bosanko said that provision is standard in State contracts and said the key word is "negligent" in carrying out a wrongful act. He said he thought that would be very rare and the County would have insurance to cover it and did not consider it a major concern. Meiszer then asked about the date on the Contract. It was noted that the effective date of the Contract would be when it is fully executed by all parties. There was discussion about the Department of Environmental Protection (DEP) being the administrating agency and it was stated that the DEP is the park managing agent. (10:35 a.m.) **Motion carried 4/0, with Bryant absent [to execute the contract].**

(05/27/03 - 8 - 10:36 a.m.)

COMMISSIONERS' REPORTS

(10:36 a.m.)

Commissioner Meiszer

Meiszer reported that the City of St. Augustine had taken the lead with regard to the purchase of the Ponce De Leon Hotel Golf & Conference Center property. He explained that they plan to create a new, or expand an existing, Community Redevelopment Authority (CRA) and use tax increment financing for the acquisition and development of the property. He said there are two requests of the County, one is just a statement of support (with no obligation); and second, the Board's concurrence that it would have no objection that they use the tax increment financing. Meiszer asked that Bosanko draft a Resolution with those two points and bring it to the Board next week. Bosanko agreed.

(10:39 a.m.)

Commissioner Jacalone

No report.

(10:40 a.m.)

Commissioner Maguire

Maguire commented that he had experienced the fruition of the Board's efforts with regard to a recent decision on towing charges, as he had witnessed a beach incident that required calling a towing service.

(10:40 a.m.)

Commissioner Stern

No report.

(05/27/03 - 9 - 10:41 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reported that the Department of Homeland Security had cancelled the keynote speaker for the Northeast Florida Regional Cooperation Summit on Thursday, due to the current security threat level of the Country. He noted that there would be a box lunch during the last session and the Summit would probably end around noon.

(05/27/03 - 9 - 10:42 a.m.)

COUNTY ATTORNEY'S REPORT

Bosanko stated that there is a Special Meeting of the Board of County Commissioners scheduled on Wednesday, May 28, 2003, at 9:00 a.m. at the Agricultural Center. He stated that the meeting has been advertised, to consider award, or other action, regarding the residential solid waste contract for service in the County. He noted that this auditorium had been previously reserved. He also noted that proposals from the waste haulers are in the Commissioners' office and he explained the criteria used for the rating system.

(10:46 a.m.) Meiszer asked if the Board is expected to vote on Wednesday. Adams said the Board could vote. Jacalone provided a preferred scenario of how he would like to see the meeting unfold. He said the Board would vote if it is ready to make a decision.

(10:48 a.m.) Stern agreed. Bosanko responded that Staff would be meeting to finalize the procedure.

(05/27/03 - 9 - 10:48 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 10:48 a.m. and reconvened at 1:33 p.m. with Bryant, Jacalone, Stern, Meiszer, Maguire, Adams, Bosanko, and Deputy Clerk Lenora Newsome present.

Also present was Cheryl Strickland, Clerk of Courts.

(05/27/03 - 9 - 1:33 p.m.)

3. PUBLIC HEARING - ORDINANCE REQUIRING THAT THE CLERK OF COURT COLLECT AN ADDITIONAL \$3.00 WITH EACH CIVIL TRAFFIC PENALTY TO FUND THE TRAFFIC EDUCATION PROGRAMS IN PUBLIC AND NONPUBLIC SCHOOLS IN ST. JOHNS COUNTY - SECTION 318.1215, FLORIDA STATUTES (THE "DORI SLOSBERG DRIVER EDUCATION SAFETY ACT"), AUTHORIZES THE BOARD OF COUNTY COMMISSIONERS TO ADOPT AN ORDINANCE TO REQUIRE THAT THE CLERK OF COURTS COLLECT AN ADDITIONAL \$3.00 WITH EACH CIVIL TRAFFIC PENALTY TO FUND THE TRAFFIC EDUCATION PROGRAMS IN PUBLIC AND NONPUBLIC SCHOOLS IN ST. JOHNS COUNTY. THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE THAT IMPOSING THE ADDITIONAL \$3.00 WILL PROVIDE FUNDING FOR TRAFFIC EDUCATION PROGRAMS IN PUBLIC AND NONPUBLIC SCHOOLS, THEREBY SERVING TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF ST. JOHNS COUNTY

Proof of publication of the notice of public hearing on Ord/Traffic Violation Fee was received, having been published in *The St. Augustine Record* on May 16, 2003.

Bosanko reviewed this item, stating that this matter has to do with a program allowed by the Florida Legislature and stated that it is optional for counties. If the County Commission chooses to enact this Ordinance, it would impose a \$3.00 fee on traffic violations. Strickland explained which tickets would be included in this \$3.00 penalty. Bosanko mentioned that Strickland asked him to set back the date from June 1, to July 1 and he stated that he had already done that. (1:35 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2003-48.** Strickland and Bosanko left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting.

ORDINANCE NO. 2003-48

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR THE ASSESSMENT OF \$3.00 FOR EACH CIVIL TRAFFIC VIOLATION IN ST. JOHNS COUNTY IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR VIOLATIONS UNDER THE FLORIDA UNIFORM TRAFFIC CONTROL LAW; PROVIDING FOR THE COLLECTION OF THE \$3.00 PENALTY; PROVIDING THAT THE FUNDS GENERATED BY SUCH PENALTY BE USED TO FUND TRAFFIC EDUCATION PROGRAMS IN PUBLIC AND NONPUBLIC SCHOOLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING AN EFFECTIVE DATE

(05/27/03 - 10 - 1:36 p.m.)

4. PUBLIC HEARING - PRD 2003-01, BREAKAWAY TRAILS - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 145.35 ACRES LOCATED AT 9250 CR 16A FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF FOUR RESIDENTIAL LOTS CONTAINING UP TO A MAXIMUM OF TEN DWELLING UNITS WITH THEIR ACCESSORY USES. THE SUBJECT PROPERTY IS LOCATED IN THE RURAL SILVICULTURE (R/S) FUTURE LAND USE DESIGNATION. THE PROJECT WILL ACCESS VIA TWO INDIVIDUAL DRIVEWAYS FOR THE TWO LOTS ON CR 16A AND A SHARED DRIVEWAY AT THE END OF A PRIVATE ROAD THROUGH THE ABUTTING PRD, EQUESTRIAN WAY. THE PROJECT WILL BE DEVELOPED IN ONE (1) PHASE OVER A THREE (3) YEAR PERIOD. DEVELOPMENT OF THE PRD SHALL BE COMMENCED WITHIN ONE (1) YEAR OF APPROVAL OF THE PRD AND COMPLETED WITHIN (3) YEARS. A FINAL CERTIFICATE OF CONCURRENCY (FCOC), CONMIN 2002-27, WAS APPROVED ON MARCH 31, 2003 FOR 10 SINGLE-FAMILY RESIDENCES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MAY 1, 2003 MEETING WITH A VOTE OF 5-2 (MANUEL AND PHILLIPS)

Proof of publication of the notice of public hearing on the Proposed Rezoning File #PRD 2003-01, Breakaway Trails, 9250 County Road 16A was received, having been published in *The St. Augustine Record* on May 12, 2003.

Bruce Ford, Chief Planner, stated that this is a request to rezone 145 acres from Open Rural (OR) to Planned Rural Development (PRD). He mentioned that the applicant is requesting two waivers; 1) from Section 602.06B1A of the County Code which requires

a sidewalk along 16A, and 2) from Section 604.05B3, which is a request to allow two driveways on 16A rather than one. Bryant questioned the distance between the two driveways. Ford responded, displaying a site map, Exhibit A. Discussion followed on the sidewalk issue, having four residential lots that would allow up to ten units for single family only, and the actual boundaries of the development area. Adjacent Property Owner Response Forms were turned in for the record, Exhibit B.

(1:48 p.m.) Beth Breeding, 4141 South Drive, Jacksonville, G and C Developers, Inc., explained the reasoning behind the ten units. She spoke on the wetlands making it difficult to divide the lots, the reserve area, and explained the boundaries of all four lots. Lopez mentioned that the applicant has not requested a waiver to platting. Breeding addressed the driveway waivers. Discussion followed on Comp Plan or Future Land Use Map changes, and the right-of-way issue. (2:01 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2003-49, adopting the Findings contained within the packet, granting the driveway waiver request, but not the sidewalk waiver request.**

ORDINANCE NO. 2003-49

AN ORDINANCE OF THE COUNTY OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/27/03 - 11 - 2:01 p.m.)

5. PUBLIC HEARING - REZ 2003-06 MOULTRIE CROSSING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 8 ACRES, LOCATED AT 2875 OLD MOULTRIE ROAD FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO RESIDENTIAL SINGLE FAMILY - THREE (RS-3). THE ORIGINAL PSD ORDINANCE 95-56 REQUIRED THAT THE DEVELOPMENT BE PERMITTED, PLATTED AND CONSTRUCTED IN ONE PHASE OVER A PERIOD OF FIVE YEARS. THUS, THE PSD'S PHASE HAS EXPIRED. LDC SECTION 5.03.02.G.1.R REQUIRES A MAJOR MODIFICATION TO EXTEND THE PHASING SCHEDULE. ACCORDING TO LDC SECTION 5.03.09, A MAJOR MODIFICATION TO A PSD REQUIRES A REZONING TO PUD. THEREFORE, THE APPLICANT HAS REQUESTED THAT INSTEAD OF MODIFYING THE PSD, THE SUBJECT PROPERTY BE REZONED TO RS-3 AND DEVELOPED IN ACCORDANCE WITH CURRENT LAND DEVELOPMENT REGULATIONS. THE PROPERTY IS LOCATED WITHIN THE RESIDENTIAL C FUTURE LAND USE DESIGNATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MAY 1, 2003 MEETING WITH A VOTE OF 7-0

Proof of publication of the notice of public hearing the Proposed Rezoning File #REZ 2003-06, Moultrie Crossing, 2875 Old Moultrie Road was received, having been published in *The St. Augustine Record* on May 12, 2003.

Nicole Clayton, Planner II, stated that this request seeks to rezone approximately eight acres, located at 2875 Old Moultrie Road from Planned Special Development (PSD) to Residential Single Family - Three (RS-3).

(2:05 p.m.) Karen Taylor, 3070 Harbor Drive, explained the category change. Jacalone spoke on the roadway. Meiszer asked who would be providing the central water and sewer. Taylor responded that it would be built to the County's standards and the County will take it over. (2:07 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2003-50, adopting the Findings contained within the package to support the motion.**

ORDINANCE NO. 2003-50

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

(05/27/03 - 12 - 2:08 p.m.)

6. PUBLIC HEARING - PUD 2002-17 LEDUC PROPERTY - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.22 ACRES LOCATED AT 560 STATE ROAD 16 FROM RESIDENTIAL, SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR THE DEVELOPMENT OF TWO (2) RESTAURANTS AT 2,520 SQUARE FEET WITH ACCESS BEING PROVIDED FROM STATE ROAD 16. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RESIDENTIAL-C FUTURE LAND USE DESIGNATION ON THE 2015 FUTURE LAND USE MAP. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THE PUD 2002-17 (LEDUC PUD) AT THEIR DECEMBER 19, 2002 MEETING WITH A VOTE OF 4-1

Proof of publication of the notice of public hearing on the Proposed Rezoning File # PUD 2002-17, Leduc Property, 580 State Road 16 was received, having been published in *The St. Augustine Record* on May 12, 2003.

Ford mentioned that a typo in Section 1 needed to be corrected from *Leduc* to *Leduc*, Exhibit A. He stated this is a request to rezone 1.22 acres located on SR 16 from Residential, Single Family (RS-3) to Planned Unit Development (PUD) for two restaurants with a total of 540 square feet. He displayed the site plan, Exhibit B. Ford mentioned that people were concerned with the increase in traffic on First Street. Discussion followed on restaurants being allowed in Residential C, the buffering, two separate buildings being on the same lot, and access to the area. Adjacent Property Owner Response Forms were turned in for the record, Exhibit C.

(2:17 p.m.) Henry Leduc, 121 Creekside Drive, explained what he would be building on the lots and addressed the issue of alcohol. (2:23 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2003-51, known as PUD 2002-17 Leduc Property adopting Findings of Fact to support the motion in the packet.**

ORDINANCE NO. 2003-51

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL, SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING

**RECORDATION; AND PROVIDING AN EFFECTIVE
DATE**

(05/27/03 - 13 - 2:23 p.m.)

7. PUBLIC HEARING - PROPOSED ORDINANCE TO REPLACE ORDINANCE 2000-60, WHICH IS AN ORDINANCE FOR THE REGULATION OF FERTILIZERS IN THE GUANA MARSH BASIN - ON JANUARY 25, 2000, THE BOARD OF COUNTY COMMISSIONERS PASSED AN ORDINANCE PROVIDING FOR THE REGULATION OF FERTILIZER APPLICATION ON GOLF COURSES AND LAWNS IN THE GUANA MARSH BASIN. THE ORIGINAL ORDINANCE WAS AMENDED TWICE THAT YEAR ENDING WITH THE CURRENT ORDINANCE 2000-60. IN THE SPRING OF 2001, THE FLORIDA PROFESSIONAL APPLICATORS ALLIANCE (ALLIANCE) FILED A COMPLAINT SEEKING REPEAL OF ORDINANCE 2000-60. THE ALLIANCE AND THE COUNTY AGREED TO VOLUNTARILY MEDIATE THE COMPLAINT WITH THE DESIRE TO FIND A RESOLUTION OUTSIDE OF THE COURT SYSTEM. THIS PROPOSED ORDINANCE BEFORE YOU TODAY, IS THE PRODUCT OF THAT MEDIATION BETWEEN THE FLORIDA PROFESSIONAL APPLICATORS ALLIANCE AND ST. JOHNS COUNTY. THIS PROPOSED ORDINANCE, IF APPROVED, WILL REPLACE ST. JOHNS COUNTY ORDINANCE 2000-60 AND WILL RESOLVE THE COMPLAINT WITH THE ALLIANCE

Proof of publication of the notice of public hearing on Ord/Lawn Turf was received, having been published in *The St. Augustine Record* on May 16, 2003.

Jan P. Brewer, Environmental Manager, gave a brief background regarding the Fertilizer Application Ordinance in the Guana Marsh Basin, Exhibit A. Discussion followed on the major objection from the Industry, and the concerns of the Professional Applicators Alliance. (2:35 p.m.) **Motion by Maguire, seconded by Jacalone, to approve Ordinance No. 2003-52, whereby the original Ordinance is repealed.**

(2:35 p.m.) Nick P. Dennis, 2083 Nickerson W., Jacksonville, complimented Jan Brewer on doing a great job. **The motion carried 5/0.**

ORDINANCE NO. 2003-52

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCES 2000-6, 2000-42 AND 2000-60; PROVIDING FOR MANAGEMENT AND REGULATION OF LAWN AND SPECIALIZED TURF FERTILIZATION INCLUDING, BUT NOT LIMITED TO, LAWNS ON RESIDENTIAL AND COMMERCIAL PROPERTY, YARDS, AND GOLF COURSES; PROVIDING THAT THIS ORDINANCE SHALL APPLY TO AND BE EFFECTIVE ONLY IN THE PORTION OF ST. JOHNS COUNTY BOUNDED ON THE NORTH BY DUVAL COUNTY, ON THE EAST BY THE ATLANTIC OCEAN, ON THE WEST BY STATE ROAD A1A WHEN NORTH OF MICKLER ROAD AND THE WESTERN BOUNDARY OF GUANA RIVER STATE TRACT WHEN SOUTH OF MICKLER ROAD, AND ON THE SOUTH BY THE SOUTHERN LIMIT OF GUANA RIVER STATE TRACT; PROVIDING DEFINITIONS; PROVIDING FOR OCCUPATIONAL LICENSE, REGISTRATION,

EDUCATION, AND RECORD KEEPING REQUIREMENTS FOR COMMERCIAL FERTILIZER APPLICATORS; PROHIBITING ANY PERSON FOR HIRE FROM FERTILIZING ANY LAWN OR SPECIALIZED TURF LOCATED WITHIN THE AFOREDESCRIBED PORTION OF ST. JOHNS COUNTY, UNLESS SUCH PERSON IS LICENSED AND REGISTERED AS A COMMERCIAL FERTILIZER APPLICATOR OR IS AN EMPLOYEE OF A LICENSED AND REGISTERED COMMERCIAL FERTILIZER APPLICATOR; PROVIDING FOR GUIDELINES FOR FLORIDA FRIENDLY LANDSCAPING; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A PUBLIC NUISANCE DECLARATION; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.

Motion by Jacalone, 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 2:38 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check #334784 through #334809 totaling \$47,182.80 (05/15/03)
2. St. Johns County Board of County Commissioners Check Register, Check #334810 through #335170 totaling \$1,302,269.20 (05/20/03)

CORRESPONDENCE:

1. Letter dated May 21, 2003 to Liz Cloud, Chief, Bureau of Administrative Code, regarding filing St. Johns County Ordinance Numbers 2003-46 and 2003-47

Approved _____ June 10 _____, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk