

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 1, 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: James E. Bryant, District 5, Chair
Karen Stern, District 2, Vice Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
Bruce Maguire, District 4
Ben W. Adams, Jr., County Administrator
Laura Barrows, Assistant County Attorney
Lenora Newsome, Deputy Clerk

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

(07/01/03 - 1 - 9:04 a.m.)

The meeting was called to order by Chairman Bryant.

(07/01/03 - 1 - 9:04 a.m.)

The Invocation was given by Maguire.

(07/01/03 - 1 - 9:05 a.m.)

SPECIAL PROCESSION RECOGNIZING JULY 4, 2003

The Patriotic Re-enactors of the Spanish Quarter presented the Betsy Ross Flag.

(07/01/03 - 1 - 9:06 a.m.)

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jacalone.

(07/01/03 - 1 - 9:08 a.m.)

ROLL CALL

Bryant stated that all five commissioners were present.

(07/01/03 - 1 - 9:08 a.m.)

PUBLIC COMMENT

Lila Ledbetter, 10415 East Deep Creek Blvd., spokesperson for the Flagler Estates Community Redevelopment Agency, stated that they are working on their bylaws.

(07/01/03 - 1 - 9:09 a.m.)

DELETIONS TO CONSENT AGENDA

Barrows requested to pull Item 4 to be set at a later date. Kathy Nielsen, Application Review Coordinator, stated that Items 4 and 5 needed to be pulled. Jacalone requested to pull Item 6 and place on the Regular Agenda as Item A1.

(07/01/03 - 2 - 9:11 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
05/13/03 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2003-122** approving a final Plat for Espanita

RESOLUTION NO. 2003-122

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

4. Motion to adopt a Resolution approving a final Plat for Toco Woods

This item was pulled from the Consent Agenda due to incorrect Title Opinion.

5. Motion to adopt a Resolution approving a final Plat for Stonehurst Plantation One-F

This item was pulled from the Consent Agenda due to incorrect Title Opinion.

6. Motion to adopt a Resolution approving a final Plat for Walden Chase Phase I-Unit Three

This item was pulled from the Consent Agenda and added to the Regular Agenda as Item A1.

7. Motion to adopt **Resolution No. 2003-123** recognizing unanticipated revenue in the amount of \$180,579 and appropriating them to the Community Based Care Fund for use in the County's Community Based Care Administration Department

RESOLUTION NO. 2003-123

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE FISCAL YEAR 2003 COMMUNITY
BASED CARE REVENUE AND EXPENDITURE
BUDGETS TO RECOGNIZE UNANTICIPATED
REVENUE AND AUTHORIZE ITS EXPENDITURE**

8. Motion to approve the transfer of \$100,000 from the Transportation Trust Fund Reserves (1131-59920) to Fleet Maintenance Division - Cost of Fuel (1123-55218) for the purchase of fuel

9. Proofs:
 - a. Proof, Notice of Meeting, Ponte Vedra MSD Project Town Hall Meeting, May 15, 2003 at 6:00 p.m.
 - b. Proof, Notice of Town Hall Meeting, SJC Staff & JEA Representatives Ponte Vedra MSD Vacuum Sewer & Drainage Project, May 15, 2003 at 6:00 p.m.
 - c. Proof, Notice of Public Hearing, Land Acquisition and Management Program (L.A.M.P.), June 17, 2003 at 1:30 p.m.
 - d. Proof, Notice to Bidders, Bid No. 03-90
 - e. Proof, Request for Proposals, RFP 03-89 Credit Counseling Services SJC SHIP Program
 - f. Proof, Certificate of Liability, Staff Masters of Jacksonville

(07/01/03 - 3 - 9:11 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to pull Item 2 due to the presenter having a conflict with the schedule. He also requested to pull Item 11 due to not having signed correspondence for the second pickup within the MSD and placed it on the Agenda next Tuesday. Adams requested to add discussion of the Sheriff Distribution of Intergovernmental Radio Communications Fund, as Item A2 and a report by Mike Kuypers, State Division of Forestry, as Item A3. Discussion followed on pulling Item 11.

(07/01/03 - 3 - 9:15 a.m.)

APPROVAL OF REGULAR AGENDA

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

Daniel Bosanko, County Attorney, entered the meeting.

(07/01/03 - 3 - 9:16 a.m.)

A1. MOTION TO ADOPT RESOLUTION NO. 2003-124 APPROVING A FINAL PLAT FOR WALDEN CHASE PHASE I-UNIT THREE

Larry Hice, 345 W. Silverthorn Lane, stated that he wished to address the Commissioners on behalf of the homeowners of Walden Chase Community concerning some pending development within their community that they are all against, Exhibit A and B, maps. He asked for the developer to transfer ownership of the 1.4 acres to the Homeowners Association. Bosanko stated that the two lots being approved today do not include the lots Hice referred to.

(9:21 a.m.) John Metcalf, 245 Riverside, confirmed what Bosanko said. (9:22 a.m.)

Motion by Jacalone, seconded by Stern, carried 5/0, to approve Resolution 2003-124.

RESOLUTION NO. 2003-124

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WALDEN CHASE PHASE 1 - UNIT THREE

(07/01/03 - 3 - 9:23 a.m.)

A2. SHERIFF DISTRIBUTION OF INTERGOVERNMENTAL RADIO COMMUNICATIONS FUNDS

Capt. Michael Samec, Sheriff's Office Communications Unit, stated that Sheriff Perry would like to request the release of some Intergovernmental Radio Funds in the total amount of \$372,207.00. These funds are from the \$12.50 Surcharge Trust Fund generated from moving traffic citations. Discussion followed on the basis of the allocation of funds to the St. Augustine Police Department and the St. Augustine Beach Police Department. (9:29 a.m.) Cheryl Strickland, Clerk of Courts, explained the normal routine of issuing a traffic ticket and how it is divided. (9:30 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to authorize the transfer of \$114,368 from the Communication Surcharge Trust Fund Reserve and to release and distribute \$372,207 as follows: \$259,986 to the St. Johns County Sheriff's Office, \$50,000 to the City of St. Augustine Police Department, \$37,221 to the Board of County Commissioners, and \$25,000 to the St. Augustine Beach Police Department.**

(07/01/03 - 4 - 9:31 a.m.)

A3. FORESTRY REPORT

Mike Kuypers, District Manager of the Division of Forestry, gave a quick update on the fire conditions, stating that St. Johns County is in fairly good shape through the fall regarding wildfires.

(9:34 a.m.) Frank McElroy, Fire Marshal, reported on fireworks safety. He spoke on the type of fireworks that are illegal in the State of Florida.

(07/01/03 - 4 - 9:38 a.m.)

1. DISCUSSION OF PROPOSED INCREASE TO FIRE SERVICE DISTRICT MILLAGE RATE CAP

Proof of publication of Notice of Public Hearing on St. Johns County Unincorporated Areas Municipal Service Taxing Unit was received, having been published in *The St. Augustine Record* on June 21, 2003.

Joe Vonasek, Director, of the Office of Management & Budget, spoke on the cap on the millage allowed within the Ordinance. Discussion followed on raising the cap to be able to fund the fire service, recommending a cap of 1.2, why a cap is needed, and the original idea of the cap being a safety net. (9:50 a.m.) Jim Sisco, Assistant County Attorney, stated that there is no legal requirement to have a cap. He mentioned that the County could re-advertise to eliminate the cap and come back before the Board for discussion. Vonasek stated that the issue they face is bringing a recommended budget to the Board, and if it is the intent of the Board to eliminate the cap, he asked that they approve the 1.20 mills now as a cap and then they would bring it back to the Board for another modification to eliminate the cap. (9:56 a.m.) **Motion by Maguire, seconded by Stern, to enact Ordinance No. 2003-58 increasing the millage cap to 1.20 mills as a temporary measure only for this budget purpose and bring back whatever is required to eliminate it completely.**

(9:57 a.m.) Ed Houston, 98 Ancilla Court, representing the St. Johns County Professional Firefighters, spoke on eliminating the cap and supported the Board on their decision.

(9:58 a.m.) Mike McQuiston, 216 Rivers Edge Road, spoke on increase in taxes and being concerned about paying more taxes. (10:00 a.m.) **The motion carried 5/0.**

ORDINANCE NO. 2003-58

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 74-6, AS PREVIOUSLY AMENDED BY ORDINANCES NO. 80-56, 84-10 AND 2001-29, WHICH IS THE ORDINANCE THAT CREATED THE MUNICIPAL SERVICE TAXING UNIT (THE "MSTU") THAT CONSISTS OF ALL OF THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA AND ALSO THE AREAS OF THOSE MUNICIPALITIES WITHIN THE COUNTY THAT HAVE CONSENTED BY ORDINANCE TO BE INCLUDED WITHIN THE MSTU (CURRENTLY THE CITY OF ST. AUGUSTINE BEACH) AND THAT IS KNOWN AS THE ST. JOHNS COUNTY FIRE PREVENTION AND CONTROL DISTRICT. THIS AMENDMENT INCREASES THE CAP ON THE AD VALOREM MUNICIPAL SERVICE TAXING UNIT TAXES THAT MAY BE LEVIED AND COLLECTED EACH YEAR IN THE MSTU FROM THREE QUARTERS MILL PER DOLLAR OF ASSESSED VALUE ON REAL PROPERTY WITHIN THE MSTU TO 1.2 MILLS PER DOLLAR; AND IT PROVIDES AN EFFECTIVE DATE

(07/01/03 - 5 - 9:11 a.m.)

2. PRESENTATION UPDATING THE BOARD OF COUNTY COMMISSIONERS ON FIRST TEE OF ST. JOHNS COUNTY

This item was pulled.

(07/01/03 - 5 - 10:01 a.m.)

3. PRESENTATION ON ARTICLE V UPDATE (SB 34-A)

Daniel Bosanko, County Attorney, presented a power point presentation regarding the changes to the law that are implemented this year. Most of the financial changes in this Bill will go into affect July 1st of 2004. He reviewed what the State Funding would pay for, the County requirements, and revenues lost by the County. (10:18 a.m.) Cheryl Strickland, Clerk of Courts, stated that they are working on a lot of details to do another presentation to the Board.

The meeting recessed at 10:19 a.m. and reconvened at 10:28 a.m.

Commissioner Maguire had not returned to the meeting.

(07/01/03 - 5 - 10:28 a.m.)

4. CONSIDER APPOINTMENTS TO THE AMPHITHEATER BOARD OF DIRECTORS

Patsy Heiss, Assistant to the Administrator, stated that there was a vacancy due to a resignation from the Amphitheater Board of Directors. (10:29 a.m.) **Motion by Stern, seconded by Jacalone, carried 4/0 with Maguire absent, to appoint Jack Knee to the Amphitheater Board to fill the vacancy.**

(07/01/03 - 5 - 10:29 a.m.)

5. CONSIDER AN APPOINTMENT TO THE WATER & SEWER AUTHORITY

Heiss stated that there was a vacancy on the Water and Sewer Authority. (10:30 a.m.) **Motion by Meiszer, seconded by Jacalone, carried 4/0 with Maguire absent, to approve William Webster for the four-year term, expiring July 24, 2007.**

(07/01/03 - 6 - 10:31 a.m.)

6. CONSIDER MOTION TO REVERSE THE TRANSFER TO THE GENERAL FUND OF \$135,000 BY THE GOLF COURSE FUND AND TO APPROVE A LOAN TO THE GOLF COURSE FUND, IN THE AMOUNT OF \$250,000, ACCRUING INTEREST AT AN ANNUAL RATE OF 4% FROM THE GENERAL FUND RESERVES AND TO DIRECT THAT REPAYMENTS OF PRINCIPAL ON LOANS TO THE GOLF COURSE FUND BY THE GENERAL FUND BE SUSPENDED UNTIL SUCH TIME AS GOLF COURSE REVENUES ARE ADEQUATE TO SUPPORT THEIR REPAYMENT.

Dan Weimer, Director of Parks and Recreation, mentioned that the County added nine additional holes to the golf course last year making a total of 27. He stated that the fund reserves were used initially to buy down the bond debt to build these additional holes and the play has not come up to the level that they would like to see. So they are requesting an additional loan from the County to keep the golf course in operation until the trend is reversed with the additional play. (10:32 a.m.) Maguire returned to the meeting. Wes Tucker, Golf Course Manager, presented the County with some options on helping the golf course to become self supporting. The debt service is about \$50,000 more a year than it was and there are more obligations in the form of maintenance. Joe Vonasek, Director of Management and Budget, explained the \$250,000 amount that was requested in the budget. Jacalone stated that they needed to turn the deficit around and have it supporting itself again.

(10:50 a.m.) Allen MacDonald, Finance Director, spoke on interest rates and accounting principals. Discussion followed on helping to support and promote the golf course, and marketing plans. Vonasek stated that the money being requested to be transferred does not have a specific term for repayment. (11:05 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to reverse the transfer to the General Fund of \$135,000 by the Golf Course Fund, and to approve a loan to the Golf Course Fund, in the amount of \$250,000, accruing interest at an annual rate of 4% from the General Fund Reserves, and to direct that repayments of principal on loans to the Golf Course Fund by the General Fund be suspended until such time as Golf Course Revenues are adequate to support their repayment.**

(07/01/03 - 6 - 11:06 a.m.)

7. CONSIDER MOTION TO ADOPT A RESOLUTION SUPPORTING FLORIDA CITRUS GROWERS

Meiszer stated that he thought this resolution would be beneficial to the Citrus Industry. (11:07 a.m.) **Motion by Meiszer, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2003-125.**

RESOLUTION NO. 2003-125

A RESOLUTION OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, OPPOSING THE REDUCTION IN THE CURRENT UNITED STATES TARIFF ON IMPORTED CITRUS PRODUCTS; PROVIDING COPIES OF THE RESOLUTION TO THE GOVERNOR, THE ST. JOHNS COUNTY LEGISLATIVE AND CONGRESSIONAL DELEGATIONS AND THE

HILLSBOROUGH COUNTY COMMISSION;
PROVIDING AN EFFECTIVE DATE

(07/01/03 - 7 - 11:08 a.m.)
COMMISSIONERS' REPORTS

Commissioner Maguire:

No report.

(11:08 a.m.)
Commissioner Jacalone:

No report.

(11:08 a.m.)
Commissioner Stern:

Stern wished a farewell to Patsy Heiss.

Stern mentioned an email would be going out to all county employees regarding the county employees volunteering their off-work time to help with a Habitat for Humanity Housing Build in late July and early August.

(11:10 a.m.)
Commissioner Meiszer:

Meiszer spoke on receiving correspondence concerning a very strange situation involving a parcel of property at 7741 A1A South and involving permit issues. He requested for the County Administrator or his designee to investigate this issue and bring it back to the Board for consideration.

(07/01/03 - 7 - 11:14 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Adam announced that July 8, he would bring to the Board the recommended 2004 Budget, recommended the date of July 25 for the BCC 2004 Budget Workshop, stated that they needed to set the proposed millage rates at the meeting of July 8, 15 or 22, and the time and place for the first public hearing.

Adams presented Patsy Heiss with a certificate of recognition for nearly 10 years of service to St. Johns County, Florida.

(07/01/03 - 7 - 11:20 a.m.)
COUNTY ATTORNEY'S REPORT
(INCLUDES NEW LEGISLATION REPORT)

Daniel Bosanko, County Attorney, gave a Power Point presentation on the Florida Association of County Attorneys' Legislative Report on the 2003 Regular and Special Session A. (11:23 a.m.) Michael Hunt, Assistant County Attorney, spoke on the Broad Band Regulation and the Cell Tower Siting Statue. Bosanko continued with his Power Point presentation.

(07/01/03 - 7 - 11:37 a.m.)
CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:37 a.m. and reconvened at 1:38 p.m. with Bryant, Stern, Jacalone, Meiszer, Maguire, Adams, Isabelle Lopez, Assistant County Attorney, and Robin Platt, Deputy Clerk present.

(07/01/03 - 8 - 1:38 p.m.)

8. PUBLIC HEARING - AMENDMENT TO ARTICLE III, PART 3.08.00 MID-ANASTASIA ISLAND OVERLAY DISTRICT OF THE LAND DEVELOPMENT CODE - THIS IS A PROPOSED ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE, ARTICLE III, PART 3.08.07.A.6 ESTABLISHING REQUIREMENTS FOR THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT. THE CHANGE PROPOSED IS TO PERMIT THE LIMITED AND SPECIFIC USE OF RACEWAYS FOR WALL SIGNS IN THE MID-ANASTASIA ISLAND OVERLAY DISTRICT. THIS IS THE SECOND OF THE TWO REQUIRED PUBLIC HEARINGS, THE FIRST PUBLIC HEARING WAS HELD JUNE 17, 2003 AT 5:30 P.M. THIS ITEM APPEARED BEFORE THE PLANNING AND ZONING AGENCY FOR THEIR CONSIDERATION AND RECOMMENDATION ON THURSDAY, JUNE 19, 2003, WHERE THEY RECOGNIZED THAT THE PROPOSED LANGUAGE COMPLIES WITH THE COMPREHENSIVE PLAN, HOWEVER THEY UNANIMOUSLY VOTED TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS NOT TO ADOPT THE PROPOSED LANGUAGE BUT RATHER TO LEAVE IT AS IT CURRENTLY APPEARS IN THE ADOPTED LAND DEVELOPMENT CODE

Proof of publication regarding the Mid-Anastasia Island Coastal Corridor Overlay District was received, having been published in *The St. Augustine Record* on June 10, 2003 and June 24, 2003.

Danielle Mayoros, Planner II, outlined the details of the amendment.

(1:40 p.m.) Edward Underhill, 304 Sea Woods Dr. N., spoke in opposition to the proposed changes and illustrated with photos, Exhibit A, what raceway signs look like. He stated that the Design Review Board is carrying out its responsibilities in accordance with the Mid Anastasia Overlay District, and that there has been no controversy with flush mounted signs.

(1:44 p.m.) Victoria Smith, 211 Porpoise Point Dr., spoke on behalf of the Vilano Beach Overlay, reviewing their efforts and addressing commercial signs. She also spoke in opposition to raceway signage.

(1:46 p.m.) Mike Koppenhafer, 1190 Neck Rd., Ponte Vedra Beach, spoke in opposition to the change in language that would allow raceway signs. He illustrated with photos, Exhibit B, examples of raceway signs and stated that he feels that they are obsolete.

(1:51 p.m.) Frank Shumer, 2419 S. Ponte Vedra Blvd., Chairman of the ARC of the Ponte Vedra/Palm Valley Overlay District, spoke in opposition to the changes, addressed the pros and cons of raceway signs, and requested the Ordinance remain as it currently stands.

(1:55 p.m.) Esther Marshall, 329 Marshside Dr. N., member of the Design Review Board, spoke in opposition to a change in the Ordinance, and requested that the language of the Ordinance remain as is.

(1:57 p.m.) Thomas Ingle, 838 Summer Bay Dr., member of the Design Review Board, spoke in opposition to the proposed change in the Ordinance, as there has been no opposition to the current regulations.

(1:59 p.m.) Stern stated that she has reviewed the history of this item and feels that keeping the current signage guidelines is preferable, and recommended no change be made. (2:00 p.m.) Bryant stated that hearing no motion the Ordinance will remain as is.

(07/01/03 - 9 - 2:01 p.m.)

9. PUBLIC HEARING - PV-APPEAL 2003-01, PONTE VEDRA PLASTIC SURGERY - THIS IS A REQUEST TO APPEAL A DECISION OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD. THE APPLICANT APPEARED BEFORE THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD ON APRIL 14, 2003, PROPOSING TO REDUCE THE REQUIRED REAR YARD BUILDING SETBACK FROM 10 FEET TO 7.5 FEET, TO ELIMINATE THE INSTALLATION OF SIDEWALKS AND TO ALLOW THE PLACEMENT OF A 6 FOOT HIGH ENTRY FEATURE WITHIN THE 25 FOOT SIGHT TRIANGLE FOR PROPERTY LOCATED AT 209 PONTE VEDRA PARK DRIVE IN THE PONTE VEDRA LAKES NEIGHBORHOOD PLANNED SPECIAL DEVELOPMENT (PSD). THE APPLICANT IS APPEALING ONLY THE PORTION OF THE MINOR MODIFICATION THAT WAS DENIED RELATING TO THE 6 FOOT HIGH ENTRY FEATURES LOCATED IN THE 25 FOOT SIGHT TRIANGLE. THE REQUEST FOR ELIMINATION OF THE SIDEWALKS WAS WITHDRAWN AT THE APRIL 14, 2003 PUBLIC HEARING AND THE REQUEST FOR THE REDUCTION OF THE REAR YARD BUILDING SETBACK WAS APPROVED AT THAT HEARING. THIS APPEAL WAS ROUTED TO ALL APPROPRIATE REVIEWING DEPARTMENTS. THE OFFICE OF THE COUNTY ATTORNEY'S COMMENT IS NOTEWORTHY WHICH STATES: "IT APPEARS THAT ADDITIONAL EVIDENCE MAY BE PRESENTED IN THE APPEAL WHICH WAS NOT PRESENTED TO THE PVZAB (REPORT OF TRAFFIC ENGINEER). PHOTOGRAPHS WERE PRESENTED TO THE PVZAB FROM WHICH THAT BOARD CONCLUDED THAT THE ENTRY FEATURES OBSTRUCTED THE VIEW OF DRIVERS EXITING THE AREA. IF SUBSTANTIALLY NEW CIRCUMSTANCES ARE PRESENTED AT THE APPEAL, THE BCC IS REQUIRED TO RETURN THE MATTER TO THE PVZAB FOR ADDITIONAL CONSIDERATION, UNLESS THE BCC FINDS THAT RETURNING THE MATTER FOR REHEARING WOULD NOT PROMOTE EFFICIENCY AND DUE PROCESS. SEE SECTION XII (K) OF PONTE VEDRA ZONING DISTRICT REGULATIONS ORDINANCE NO. 2003-5. THE EFFECTIVE DATE OF RESOLUTION PV-2003-01 WAS APRIL 25, 2003, AND THE APPLICANT FILED THE APPEAL WITH THE PLANNING DIVISION ON MAY 23, 2003

Proof of publication regarding the matter of 209 Ponte Vedra Park Drive, PV Appeal 2003-01 was received, having been published in *The St. Augustine Record* on June 16, 2003.

Danielle Mayoros, Planner II, presented the details of the item. (2:03 p.m.) Bryant commented that when there is substantial or new evidence to be presented, the Board usually refers the item back to the PVZAB. Lopez responded that that is what the procedures set out, but the Board has the option to hear the matter.

(2:05 p.m.) Laura Barrow, Assistant County Attorney, addressed the evidence initially presented at the PVZAB hearing and stated that the applicant's traffic engineer is seeking to submit new evidence. Mayoros concurred, and also addressed the new

evidence to be presented. Discussion followed regarding the evidence, the Minutes of the PVZAB hearing and the appeal process.

(2:11 p.m.) Lori Tipton, 6595 Pony Lane, stated that she had submitted new information to the Planning Department regarding the appeal and that the traffic engineer, the architect, and the builder were present to present evidence for the appeal.

(2:12 p.m.) Bryant stated that the PVZAB is required to listen to new evidence if it is presented to them. Discussion followed on the procedure for appeals, with Barrow explaining why this appeal was brought to the BCC, and the authority of the PVZAB.

(2:18 p.m.) **Motion by Jacalone, seconded by Stern, to remand this item back to PVZAB, based on new information that should be presented back to that Board.**

(2:18 p.m.) Steven McCullar, architect for the project, stated that he felt like the PVZAB did not listen to them and that they did not take into consideration the special conditions of the site.

(2:20 p.m.) **The motion carried 5/0.**

(07/01/03 - 10 - 2:20 p.m.)

10. CONSIDER A MOTION TO APPROVE THE EXCLUSIVE RESIDENTIAL SOLID WASTE COLLECTION AND TRANSPORTATION FRANCHISE FOR THE SOUTHERN AREA OF ST. JOHNS COUNTY AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE FRANCHISE AGREEMENT

Michael Hunt, Assistant County Attorney, entered the meeting and Lopez left the meeting. John Schwab, Special Projects Manager, explained the details of the item and read the revisions and amendments to the agreement for the record. (2:22 p.m.) Stern commented that she stood behind her motion, made at a previous special meeting, to award the franchise to Advanced Disposal. (2:23 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to approve the Exclusive Residential Solid Waste Collection and Transportation Franchise for the southern area of St. Johns County and authorize the County Administrator to execute the Franchise Agreement to be awarded to Advanced Disposal Services Jacksonville, LLC**

Discussion followed regarding the clarifications and amendments previously addressed by Schwab. It was pointed out that the rate per household, per month, would be \$8.20. (2:25 p.m.) Stern amended her motion to include the name of the company to whom the contact is being awarded. (2:25 p.m.) **The motion carried 5/0.**

11. CONSIDER A MOTION TO APPROVE THE EXCLUSIVE RESIDENTIAL SOLID WASTE COLLECTION AND TRANSPORTATION FRANCHISE FOR THE NORTHERN AREA OF ST. JOHNS COUNTY AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE FRANCHISE AGREEMENT

This item was pulled from the Agenda to be rescheduled for a later date.

(2:26 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 2:26 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 336343 through 336649 totaling \$2,331,402.12 (06/24/03)
2. St. Johns County Board of County Commissioners Check Register, Check No. 336650 through 336675 totaling \$46,760.03 (06/26/03)

CORRESPONDENCE:

1. Letter dated June 24, 2003 to Mrs. Liz Cloud, Chief of the Bureau of Administrative Code, filing St. Johns County Ordinance Nos. 2003-55 and 2003-57

Approved July 15, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

