

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 12, 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 Barrow, Assistant County Attorney
Cecelia Aldrich, Deputy Clerk

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

(08/12/03 - 1 - 9:07 a.m.)

The meeting was called to order by Chairman Bryant.

(08/12/03 - 1 - 9:07 a.m.)

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

(08/12/03 - 1 - 9:07 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(08/12/03 - 1 - 9:08 a.m.)

Adams presented Mr. Darrell Garden with a Certificate of Honor and Appreciation for his calm and effective rescue efforts with regard to a motor vehicle accident. Mr. Garden is a 25-year employee with the Road and Bridge Department.

At 9:08 a.m., the meeting recessed for recording equipment replacement and reconvened at 9:11 a.m.

(08/12/03 - 1 - 9:11 a.m.)

PUBLIC COMMENT

Dan Weimer, Director of Parks and Recreation referred to a recent news article claiming that St. Augustine beaches are some of the safest in the country. Weimer talked about the beach renourishment and exhibited a slide that showed St. Augustine Beach before and after the beach renourishment, Exhibit A. He expressed concern about a recent proposal to abandon beach services.

(9:15 a.m.) Discussion followed relating to the City of St. Augustine Beach with regard to beach services and a recent article in *The St. Augustine Record*. It was noted that the Interlocal Agreement is being reviewed and may be revised. (9:18 a.m.) Bryant commented on the upcoming Labor Day weekend and the need for extra help.

(9:19 a.m.) Tim Pugh, 4147 Quail Drive, expressed concern about the lack of sidewalks on Lewis Speedway, as well as, the non-collection of glass and certain plastic recyclables. (9:21 a.m.) Joe Stephenson, Director, Public Works, stated that the plans for the Lewis Speedway sidewalk are about 90% complete, and should be built over the next two years. In regard to the recycling, Bryant explained that the collection of colored glass had become a logistical problem. (9:25 a.m.) Meiszer commented on the financial aspect of recycling glass and suggested that the County needs to find some alternatives. He noted that Schwab is working to accomplish that.

(9:26 a.m.) Sherrie Marzi, 4075 Quail Drive, stated that she has been an educator for 26 years, and that she is appalled that there are no sidewalks on Lewis Speedway. She asked why developers of new houses along Lewis Speedway are not responsible for installing sidewalks. She questioned why sidewalks would be installed at Roscoe Boulevard and not on Lewis Speedway. (9:32 a.m.) Stephenson explained that a safety study had been conducted on Roscoe Boulevard and due to the accident rate, some traffic recommendations and road improvements were made. He said there are no plans for sidewalks except a small section over a ditch. (9:30 a.m.) In regard to developers being responsible for constructing sidewalks, Jacalone explained that it is required within subdivisions, but it is not a County requirement for individually platted lots.

(9:31 a.m.) Scott Clem, Director, Growth Management, clarified that the area referred to along Lewis Speedway has been annexed to the City of St. Augustine. Meiszer suggested that the regulations should require sidewalks to be built for individual lots as well.

(08/12/03 - 2 - 9:32 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer asked that Items No. 3 and No. 7 be pulled from the Consent Agenda and placed on the Regular Agenda as A1 and A2. Adams asked that the Cash Requirement Report be pulled, due to additions, and placed on the Regular Agenda as A3.

(08/12/03 - 2 - 9:34 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. APPROVAL OF THE CASH REQUIREMENT REPORT

(This Item was pulled and placed on the Regular Agenda as Item A3.)

2. Sheriff's Bonds:

| | | |
|--------------|---|-----------------------|
| Approve: | Daniel Brautigan | Debra Eskew |
| | Stephen Howard | Kimberly Lane |
| | Leah Lewis | Gregory G. Leithauser |
| Name Change: | Suzanne R. Hastings to Suzanne R. Hazen | |
| Cancel: | Margaret H. Chevalier | |

3. Motion to adopt a Resolution authorizing the County Administrator to submit the proposed ten-year State budget plan and to execute any necessary agreements concerning the beach projects with the Department of Environmental Protection

(This Item was pulled and placed on the Regular Agenda as Item A1.)

4. Motion to adopt **Resolution No. 2003-138**, recognizing unanticipated revenue in the amount of \$12,750 and increasing the expenditure budget of the fire district fund by the same amount

RESOLUTION NO. 2003-138

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 FIRE SERVICES FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS FIRE RESCUE DEPARTMENT

5. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Family Counseling Services for St. Johns County S.H.I.P. Program credit counseling services (*See Attachment A*)
6. Motion to allow the County Administrator, or his designee, to enter into contract with American Contractors & Developers, Inc. under Bid No. 03-79 for FY 2003 Countywide Sidewalk for Project No. 1, Project No. 3, Project No. 4 and Project No. 5 in the bid amount of \$69,200.00 for the base bid (*See Attachment B*)
7. Motion to allow the County Administrator, or his designee, to enter into contract with UTILX Corporation under Bid No. 03-83 for the Coquina Gables Water Main Improvements - Phase II for the bid amount of \$765,990.00

(This Item was pulled and placed on the Regular Agenda as Item A2.)

8. Motion to adopt **Resolution No. 2003-139**, approving a final Plat for Old Moultrie Crossing

RESOLUTION NO. 2003-139

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR OLD MOULTRIE CROSSING

9. Motion to adopt **Resolution No. 2003-140**, approving a final Plat for Belles Chase

RESOLUTION NO. 2003-140

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

10. Motion to adopt **Resolution No. 2003-141**, approving a final Plat for Julington Creek Plantation, Parcel 57

RESOLUTION NO. 2003-141

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 57



ST. JOHNS COUNTY BID TABULATION

BID TITLE FY 2003 COUNTYWIDE

SIDEWALKS

BID NUMBER BID NO. 03-79

OPENING DATE/TIME July 16, 2003 3:00 P.M.

POSTING TIME/DATE

07/16/2003 4:00 PM

07/21/2003 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

VERIFIED BY

TRACY ROSS *[Signature]*
LEIGH DANIELS *[Signature]*

PAGE (S) 1

OF 1 PAGE (S)

| BIDDERS | TOTAL BASE BID PRICE | S. R. 16 SIDEWALK BID COST | 11 TH ST. SIDEWALK BID COST | RACETRACK RD SIDEWALK BID COST | ROBERTS RD SIDEWALK BID COST | TREASURE BCH RD SIDEWALK BID COST | BID BOND |
|---|----------------------|----------------------------|--|--------------------------------|------------------------------|-----------------------------------|----------|
| PLAN ESTIMATING SERVICES INC. | \$341,750.00 | \$251,400.00 | \$55,250.00 | \$16,500.00 | \$11,000.00 | \$7,600.00 | X |
| LAS CONTRACTING CORP. | \$150,149.00 | \$39,200.00 | \$57,500.00 | \$32,641.00 | \$11,760.00 | \$9,048.00 | X |
| AMERICAN CONTRACTORS & DEVELOPERS, INC. | \$116,800.00 | \$35,300.00 | \$47,600.00 | \$18,125.00 | \$8,900.00 | \$6,875.00 | X |
| LJ CONSTRUCTION CO. OF CENTRAL FLORIDA | \$151,410.00 | \$48,130.00 | \$63,050.00 | \$22,450.00 | \$9,300.00 | \$8,480.00 | X |
| CONSTRUCTION OF SUWANNEE, INC. | \$226,173.60 | \$52,928.00 | \$91,382.85 | \$49,220.50 | \$17,134.00 | \$15,508.25 | X |

8/12/2003 - Content 6 - Attachment B

BID AWARD DATE - _____

11. Motion to adopt **Resolution No. 2003-142**, approving a final Plat for Julington Creek Plantation Parcels 63 And 65 Phase 2

RESOLUTION NO. 2003-142

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION, PARCELS 63 AND 65, PHASE 2

12. Motion to adopt **Resolution No. 2003-143**, approving a final Plat for Julington Creek Plantation Parcel 80 Replat

RESOLUTION NO. 2003-143

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 80 REPLAT

13. Motion to approve a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT)
14. Motion to adopt **Resolution No. 2003-144**, accepting a Grant of Easement for access to and maintenance of an existing outfall ditch located on the Villages of Vilano Homeowners' common area

RESOLUTION NO. 2003-144

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR ACCESS TO AND MAINTENANCE OF AN EXISTING OUTFALL DITCH LOCATED ON THE VILLAGES OF VILANO HOMEOWNERS' COMMON AREA

15. Motion to adopt **Resolution No. 2003-145**, approving the terms and conditions of four Purchase and Sale Agreements and authorizing the Purchase of Easements and execution of the Agreements in connection with the Ponte Vedra Drainage Project

RESOLUTION NO. 2003-145

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF FOUR PURCHASE AND SALE AGREEMENTS AND AUTHORIZING THE PURCHASE OF EASEMENTS AND EXECUTION OF THE AGREEMENTS FOR CONSTRUCTION OF THE PONTE VEDRA DRAINAGE PROJECT

16. Motion to adopt **Resolution No. 2003-146**, approving the conveyance and execution of a certain Conservation Easement from St. Johns County to St. Johns River Water Management District for mitigation of adverse wetland impacts created as a result of the construction of Davis Park

RESOLUTION NO. 2003-146

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE CONVEYANCE AND EXECUTION OF A CERTAIN CONSERVATION EASEMENT FROM ST. JOHNS COUNTY TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR MITIGATION OF ADVERSE WETLAND IMPACTS CREATED AS A RESULT OF THE CONSTRUCTION OF DAVIS PARK

17. Motion to adopt **Resolution No. 2003-147**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Unit SV-2 Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2003-147

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 UNIT SV-2 SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

18. Motion to adopt **Resolution No. 2003-148**, accepting an Easement for Utilities for water and sewer service to Marshall Creek Village Center Unit Two Subdivision Swim and Fitness Center and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2003-148

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 VILLAGE CENTER, UNIT TWO SUBDIVISION SWIM AND FITNESS CENTER AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

19. Motion to a adopt **Resolution No. 2003-149**, accepting an Easement for Utilities for water and sewer service to Courtyard Villas of Monterey Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2003-149

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO COURTYARD VILLAS OF MONTEREY SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

20. Proofs:

- a. Proof, Notice to Bidders, Bid No. 03-97
- b. Proof, Public Notice, Applications Special Masters SJC Value Adjustment Board
- c. Proof, Notice of Special Meeting, Cash Requirement Report SJC Board of County Commissioners
- d. Proof, Notice of Meeting, St Johns County Value Adjustment Board
- e. Proof, Notice of Public Hearing, St Johns County Municipal Service Taxing Unit
- f. Proof, Notice of Public Hearing, Ordinance # 99-51 Mid Anastasia Island Coastal Corridor Overlay District
- g. Proof, Notice of Public Hearing, SJC Water & Sewer Authority Bulk Water & Wastewater Service Agreement
- h. Proof, Notice of Special Joint Meeting, St Johns County Board of County Commissioners & School Board
- i. Proof, Notice of Workshop, Proposed FY 2004 SJC Financial Plan St Johns County Board of County Commissioners
- j. Proof, Public Notice, Unclaimed Monies
- k. Proof, Notice of Cancellation, August 5, 2003 9:00 a.m. St Johns County Board of County Commissioners
- l. Proof, Request for Proposals, RFP No. 03-93 Environmental Engineering Services
- m. Proof, Certificate of Liability, Shapell's, Inc.
- n. Proof, Certificate of Liability, Advanced Disposal Services of Jacksonville, LCC
- o. Proof, Certificate of Liability, The Crom Corporation
- p. Proof, Certificate of Liability, Vallencourt Construction Co.
- q. Proof, Certificate of Liability, Dimare Construction Co.
- r. Proof, Certificate of Liability, Anderson Contracting Group
- s. Proof, Certificate of Liability, Oglesby Construction, Inc.

(08/12/03 - 6 - 9:34 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested that discussion of the Future Land Use Map be added as Item 1A. (9:35 a.m.) Barrow requested the addition of a motion to advertise a Public Hearing to be held on August 26, 2003 for an Ordinance to amend the St. Johns County Road Impact Fee. Bryant stated the item would be 5A.

(08/12/03 - 7 - 9:35 a.m.)

APPROVAL OF REGULAR AGENDA

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

(08/12/03 - 6 - 9:36 a.m.)

A1. MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SUBMIT THE PROPOSED TEN YEAR STATE BUDGET PLAN AND TO EXECUTE ANY NECESSARY AGREEMENTS CONCERNING THE BEACH PROJECTS WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Meiszer expressed concern about the Board adopting a Resolution that authorizes submittal of a proposed 10-year budget plan that it has not yet seen. Weimer explained that he would be glad to submit it to the Board and was trying to meet the requirements by getting this passed. (9:40 a.m.) **Motion by Meiszer, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-150, authorizing the County Administrator to submit the proposed Ten-Year State Budget Plan, revised to include "subject to final approval of**

that budget when the Board receives it," and to execute any necessary agreements concerning the beach projects with the Department of Environmental Protection. (Resolution was initially, and incorrectly, numbered 2003-138, it was corrected to 2003-150 at the start of the afternoon session).

RESOLUTION NO. 2003-150

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS

(08/12/03 - 7 - 9:39 a.m.)

A2. MOTION TO ALLOW THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH UTILX CORPORATION UNDER BID NO. 03-83 FOR THE COQUINA GABLES WATER MAIN IMPROVEMENTS - PHASE II FOR THE BID AMOUNT OF \$765,990.00

Meiszer questioned why there would be such a discrepancy in the bid amounts. Joe Burch, Manager, Purchasing, explained that the variation is not untypical, and likened the difference to one bidder being busier than another.

(9:42 a.m.) **Motion by Meiszer, seconded by Maguire, carried 5/0, to approve the item.**

(08/12/03 - 7 - 9:42 a.m.)

A3. APPROVAL OF THE CASH REQUIREMENT REPORT

Joe Vonasek, Budget Officer, explained that the report needed to be amended to add two items: one related to an item just adopted, Consent #4 to meet grant requirements; and the other is payment for a seminar.

(9:43 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to approve the Cash Requirement Report as altered with the additions mentioned by Mr. Vonasek.**

(08/12/03 - 8 - 9:43 a.m.)

1. CONSIDER REQUEST FOR FREE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER BY THE BETTY GRIFFIN HOUSE FOR THEIR ANNUAL DINNER ON JANUARY 24, 2004

Dena Masters, Tourist Development Council Office Manager, explained the request and stated that this is the first request for 2004.

(9:44 a.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to grant free use of space at the St. Johns County Convention Center for Betty Griffin House to hold their 14th Annual Dinner on Saturday, January 24, 2004 from 6:00 p.m. until 11:00 p.m.**

(08/12/03 - 7 - 9:45 a.m.)

1A. 2015 FUTURE LAND USE MAP

Jacalone commented that he had received calls from property owners who once owned property in a "developable area" and after zoning changes (or County revisions), it was removed and not discovered by the owner until after the fact. He noted that there are currently two processes to get property back in a developable area; seek a Comprehensive Plan Amendment, or, lobby the County to modify the Comp Plan. (9:46 a.m.) Bishop said that was a fair assessment and noted that the next session for revision of the County

Comprehensive Plan would be in December. Discussion followed about waiving fees for Comp Plan amendment applications. (9:48 a.m.) Bishop stated that the fee schedule dictates that it must be determined that it serves a public purpose. It was noted that there was a property owner present, who has been directly affected by a land use change, who may want to speak to this issue. (9:49 a.m.) Meiszer said the Future Land Use Plan overrides the zoning and if the Land Use Map was changed, there must have been a reason. He said if a mistake was made, he would be in favor of correcting it, but otherwise does not think it should be changed to please an individual property owner. Bishop and Jacalone talked about how the process and boundary lines establishment has developed.

(9:53 a.m.) Richard Davis, Porcher Drive, expressed his frustration and gave a personal account of what property he owns. He stated that in 1989 he went through the proper procedures to have five acres rezoned to IW. Davis explained that when the second Land Use Map was adopted the zoning boundary changed and he was ultimately sued from a sale of one acre, and was accused of misrepresenting the zoning. He said he is currently experiencing a similar situation and feels he is being adversely affected by the County making a mistake.

(9:56 a.m.) Jacalone responded that it is not a County mistake. He explained that the Planning Staff provides legitimate reasons for altering the Future Land Use Map and that the meetings to do so are duly advertised. Discussion on the process followed and it was noted that though individual property owners do not get notified, the Comprehensive Plan amendments are done on a twice per year cycle and are advertised in the newspaper. (10:00 a.m.) Bishop commented that both the individual property owners and the County could make changes at that time. She said the Plan documents are changed every five to seven years as required by the Evaluation and Appraisal Board. There was discussion regarding the options of property owners in regard to zoning issues.

(08/12/03 - 8 - 10:09 a.m.)

2. CONSIDER MOTION TO DIRECT THE COUNTY ADMINISTRATOR TO EXECUTE A1A SCENIC AND HISTORIC COASTAL HIGHWAY'S 2003 NATIONAL SCENIC BYWAY GRANT APPLICATION TO PREPARE ENGINEERING AND LANDSCAPE ARCHITECTURAL PLANS FOR VARIOUS SR A1A IMPROVEMENTS WITHIN ST. JOHNS COUNTY. IN ADDITION, DIRECT THE COUNTY ADMINISTRATOR TO AUTHORIZE EXECUTION OF SUPPORT LETTERS FOR THIS APPLICATION BY MEMBERS OF THE BCC

Vickie Renna, Principal Planner, gave a brief history of the scenic highway designation. She talked about needed improvements, identified parks, and explained the funding and the grant being requested. Renna asked for letters of support from the Commissioners. (10:15 a.m.) Jacalone established that it is a federal grant and the application is for an action plan. Discussion followed on the amount of money involved. (10:16 a.m.) Renna outlined the different aspects of the grant plans and noted that the goal is not to rebuild the corridor, but to preserve and protect it. She said at the same time, they are dovetailing with the needs of other departments. (10:19 a.m.) Jacalone said he would support the application, to preserve what exists, but would not want to spend huge amounts of money to alter the corridor. (10:23 a.m.) Maguire agreed with not making changes and asked about control of what is done. Renna talked about the managing group, funding sources, and said she would present the RFP for review. (10:27 a.m.) Meiszer said he would be happy to support this and noted that the County owns the right-of-way and therefore has final authority of what happens. He noted that this is simply the filing of an application for the grant. Meiszer said it would be strange for the Commissioners to write letters on its' own application. (10:29 a.m.) Jacalone noted that Highway A1A is State owned.

(10:31 a.m.) Barbara Jenness, 4300 Coastal Hwy., Chairman of Scenic and Historic A1A, spoke in support of the grant application. She noted this is only the application and it is a

long process. She talked about the difficulty in getting Federal money and asked the Board to support the application.

(10:34 a.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to direct the County Administrator to execute A1A Scenic and Historic Coastal Highway's 2003 National Scenic Byway Grant Application to prepare Engineering and Landscape Architectural Plans for various SR A1A improvements within St. Johns County.**

Bryant called a recess at 10:35 a.m. and the meeting reconvened at 10:40 a.m.

(08/12/03 - 9 - 10:40 a.m.)

3. CONSIDER MOTION TO APPROVE THE ST. JOHNS COUNTY HIGHWAY PROJECT AND TRANSPORTATION ENHANCEMENT PROJECT PRIORITY LISTS FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION

Scott A. Clem, Growth Management Director & Shawn Collins, Transportation Planning Manager, explained that the prioritized project lists are submitted annually to the Florida Department of Transportation (FDOT) and the First Coast Metropolitan Planning Organization (FCMPO). He gave an overview of the enhancement projects and the FDOT highway projects. Clem noted that there is a possibility that the Transportation Enhancement Projects could be abolished or made discretionary. He also warned that projects that have been submitted for Federal appropriation might not get passed this year.

(10:44 a.m.) Shawn Collins, Transportation Planning Manager, provided an overview of the transportation project priorities. He reviewed the participants and the purpose of the Transportation Advisory Group (TAG), the process, activities and ranking of the enhancement projects, and he also reviewed roadway projects.

(10:50 a.m.) Bryant talked about the lack of landscaping or enhancement from the State Road 312 bridge east to A1A.

(10:54 a.m.) Mark Knight, Planning and Building Director, City of St. Augustine, explained the rationale for improvements that the City chose to make, as well as choices that were made through the public hearing process.

(10:54 a.m.) Jacalone asked about items on the enhancement projects list. Clem responded to questions and talked about the FDOT highway projects list and the modification report.

(10:57 a.m.) Bryant questioned whether the projects list should be rearranged before requesting funding. Clem explained that having high ticket items high on the list, helps in the grant process. He added that they have asked that some of the projects get broken down into smaller projects. (10:59 a.m.) Stern agreed with breaking some of the large projects down into smaller segments. She asked about replacement versus widening of the Shands Bridge. Clem explained the rationale. (11:02 a.m.) Maguire also asked about the Shands Bridge and what affect possible Metropolitan Planning Organization (MPO) changes might have on projects. Clem said he thinks the Shands Bridge project will run on a schedule of its own, no matter how it is ranked. (11:03 a.m.) Clem said until the adoption of a new long range plan within the MPO, at the end of 2004, the boundaries will not change and he does not think projects would be eligible for MPO funding. No changes were made to the recommended ranking. (11:04 a.m.) **Motion by Jacalone, seconded by Stern, to approve the St. Johns County Highway Project and Transportation Enhancement Project priority lists for transmittal to the FDOT (Florida Department of Transportation) and the First Coast Metropolitan Planning Organization.**

(11:05 a.m.) Barbara Jenness, 4300 Coastal Highway, stated she was present as both Chair of the Scenic Historical A1A and as a member of the St. Johns County Traffic Safety Committee. She talked about the flooding of A1A on the previous day and asked if the multi-purpose path could be done at the same time A1A is resurfaced from Vilano to Ponte Vedra. Jenness also stressed the need to move forward with the Main Street drainage project to ensure safety and safe evacuation.

(11:08 a.m.) Meiszer asked for definition of a multi-purpose path. Renna explained the types of users. (11:10 a.m.) Bryant called the motion, **carried 5/0**.

(08/12/03 - 10 - 11:11 a.m.)

4. WORKSHOP FOR OPEN DISCUSSION BY THE BOARD OF COUNTY COMMISSIONERS ON THE FISCAL YEAR 2004 BUDGET ISSUES

Joe Vonasek, Management & Budget Director, reviewed the process and noted that the budget recommendations made by the Board have been received and asked if there were any questions. Jacalone asked how additional funding, which was agreed to at the workshop, would be addressed. Vonasek noted that there were some reductions in the budget due to the workshop and 30% of the changes would come from a reduction in the projected reserve for 2004. It was noted that the General Fund Reserve would be left with a balance of approximately eight million dollars. (11:13 a.m.) Stern raised a request from the Agricultural (Ag) Center for an additional position. She validated the need, noted the work is currently being accomplished with volunteer help, reviewed the cost of the position and talked about utilizing other County landscape staff. (11:15 a.m.) Vonasek gave the budget background that included a position and associated equipment and/or associated contractual services. Discussion followed on which alternative would best serve the department's needs, given budgetary limitations. Stern said it does not have to be a full time position, if the County's landscaping department could assist. Vonasek stated that he would check on resources to resolve the funding issue. (11:19 a.m.) Meiszer commended Vonasek for coming up with the revenue to make the changes the Board requested. He commented that there are a substantial number of new positions for the next budget year and urged that the need for each be closely examined. Meiszer said he supports the Ag Center request, but would like to see the funds come from within the department. He said he would like to see more cooperation between the landscape nursery operation and the Ag Center. Meiszer noted he had received a request from the Youth Council for \$25,000 to set up a program. He gave some background on the request and said it warranted consideration. (11:26 a.m.) Vonasek addressed the 90+ new positions and stated that 30 are associated with Fire Services, 10-15 to the Road and Bridge Department and the rest are with the 30 million dollar bond issue. Vonasek noted that there are also a number of positions that are transferred from the State to the County, and needed to be shown. (11:28 a.m.) Jacalone asked about the overall millage increase. Vonasek said it went from 6.663 aggregate to 7.01, about a 14% increase. Discussion followed on the possibility of lowering the millage rate, in the next budget year, if revenue exceeds what has been projected. (11:31 a.m.) Maguire talked about the increase in millage and rise in property taxes and how it affects the Ponte Vedra property owners. He expressed concern that they are carrying a large percentage of the burden of the fire services increase. Maguire talked about finding other options to fund fire and urged the Board to look at the entire spectrum of revenue sources. In regard to new positions, he suggested that positions be capped where they are right now. (11:35 a.m.) Meiszer said it should be a goal to eliminate the fire district. He noted that the City has its own fire department, talked about the overlap of services, and he endorsed consolidating services and re-examining the system for next year. (11:38 a.m.) Stern expressed appreciation for support of the Ag Center request. She said she agreed that the increase in ad valorem does impact some, more than others, but in different ways. Stern talked about the impact on areas like affordable housing. (11:41 a.m.) Vonasek noted that there are a lot of alternatives and he will meet with his staff and develop a matrix of options to address at a

Board workshop. (11:46 a.m.) Bryant stated that money had been set aside for health care and there are options for the Board to consider. He invited Dr. Carver to speak.

(11:44 a.m.) Dr. Gerald Carver, stated that he is currently operating the St. Johns County Employee Healthcare Office. He said his office, the Social Services Department and the County Health Department, have put together a community based care initiative to offer a primary care office. There was discussion regarding the status of the funding. (11:45 a.m.) The meeting was stopped to change tapes. (11:46 a.m.) Jacalone said there are three options to consider in order to make a decision on a provider. (11:47 a.m.) Bryant noted that there is a contract expiration issue. Adams said he has scheduled a meeting for August 26th.

(11:48 a.m.) Kathy Drake, 212 Bluebird Lane, St. Augustine, talked about the recreational youth center. Drake stated she was the President of the Board of the Rec Youth Center that is located at the Ketterlinus Gym. She gave an historical account of efforts in regard to the youth program and renovations to the Ketterlinus Gym. Drake said they are asking for matching funds of \$25,000 for the teen center. Discussion followed regarding funding and the fact that the Recreation Department already funds and runs programs. It was noted that \$400,000 was raised and approximately \$200,000 has been used on the renovation. (11:55 a.m.) Jacalone noted that the Recreation Department could not underwrite grants for non-County programs. (11:56 a.m.) Vonasek said the original request was submitted to the Health and Human Services Advisory Council. (11:57 a.m.) Stern questioned if there could be a joint effort by the County and the School District. Bryant said there would be further discussion and it could be considered then.

(11:57 a.m.) Bryant stated that Item No. 5 would be heard after lunch. (11:58 a.m.) Bosanko asked for authorization to advertise the impact fees. **Motion by Jacalone, seconded by Maguire, carried 5/0, to authorize the County Attorney to advertise the Road Impact Fee Ordinance Revision for August 26, 2003 at 1:30 p.m.**

The meeting recessed at 11:58 a.m. and reconvened at 1:30 p.m. with Bryant, Jacalone, Stern, Maguire, Meiszer, Adams, Bosanko, Strickland, MacDonald, and Deputy Clerk Lenora Newsome present.

Bryant mentioned that on Item 3 there was a motion to adopt Resolution No. 2003-138, which was an incorrect number and should be Resolution No. 2003-150.

(08/12/03 - 11 - 1:32 p.m.)

5. CONSIDER SELECTION OF UNDERWRITING FOR THE COUNTY'S PROPOSED TRANSPORTATION IMPROVEMENT REVENUE BOND ISSUE AND FOR THE COUNTY'S CONVENTION CENTER REFINANCING REVENUE BOND ISSUE

Daniel J. Bosanko, County Attorney, reviewed the two bond issues that needed to be considered today. He stated that this process today is to make a decision on what type of process to use to find an underwriter. Jim Sisco, Assistant County Attorney, stated that there were two issues to deal with, competitive sales and negotiated sales.

(1:42 p.m.) David Miller, Public Financial Management, gave a presentation on the roles of the underwriter, Exhibit A. He described the difference between competitive and negotiated sales. Jacalone spoke on the Gulf Breeze Pool Program and competitive sales presenting more of a cost savings to the municipalities than negotiated sales. Meiszer spoke on selecting an underwriter and the sales process. Maguire requested clarification of the refunding issue and Miller explained it. Bosanko suggested that the Board decide which way to go, competitive or negotiated. Jacalone stated that he felt more comfortable with the County doing what they have done in the past. (2:06 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to do negotiations with CEO, Gulf Breeze Program**

Transportation Bond Issue. Miller gave a brief summary of the proposals they had received. Meiszer suggested eliminating the idea of authority. Bosanko spoke on the last motion on the front page of the agenda packet.

(2:20 p.m.) Mitch Owens, One Independent Drive, Suite 3204, William R. Hough and Company, spoke on having the privilege of serving this County as its underwriter for many years. He spoke on past transactions done on the County's behalf being very successful and restated that credentials stand for themselves. Discussion followed on the Gulf Breeze Pool.

(2:30 p.m.) John Mazyek, P.O. Box 589, Arizona, Merchant Capital, gave a power point presentation, Exhibit B. He reviewed their experience and expertise. (2:34 p.m.) John Swift, Merchant Capital, spoke on the Gulf Breeze Pool, reviewing the plan of finance. Maguire mentioned receiving a phone call from Gate Petroleum recommending Merchant Capital. Maguire spoke on co-managing and having to do an RFP. Bosanko replied that there was no requirement for doing an RFP. Bryant spoke on the underwriter proposals, fees and experience. Mazyek stated that they would be happy to meet William R. Hough and Company's fee. Discussion followed on fees, where Merchant Capital was licensed to work, and working the two separate issues with the two separate companies. Bosanko mentioned needing to have a contract with each of the underwriters and the Board needing to tell him whom to work with, so he can work up a contract to bring back to the Board for approval. (2:54 p.m.) Miller commented on the session of the call feature. Swift spoke on their pricing mechanism. Bosanko recommended using PFM and bringing the results of the negotiations back to the Board. He also recommended doing both as the same process, and use the same kind of contract that was used in the past. (3:00 p.m.) Owens spoke on negotiating the price. Miller mentioned that it is very common to have a senior manager and a co-manager. He stated that the cost is on a per bond basis. Miller recommended using two firms. (3:02 p.m.) *Motion by Meiszer, to designate William R. Hough as the underwriter and the negotiation process be used as the method of selling these bonds.* The motion failed for the lack of a second. (3:03 p.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to use William R. Hough as the underwriter for the County's proposed Convention Center refinancing revenue bond issue.** (3:04 p.m.) **Motion by Maguire, seconded by Jacalone, carried 4/1 with Meiszer opposing, to designate William R. Hough as the lead underwriter, with Merchant as the co-manager, for the County's proposed transportation improvement revenue bond issue.**

The meeting recessed at 3:10 p.m. and reconvened at 3:14 p.m.

Bosanko, Strickland, and MacDonald left the meeting and Michael Hunt, Assistant County Attorney, entered the meeting.

(08/12/03 - 12 - 3:13 p.m.)

6. PUBLIC HEARING - PUD 2003-10 SAMARA LAKES - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 310.6 ACRES LOCATED AT 3650 PACETTI ROAD FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF UP TO 872 RESIDENTIAL DWELLING UNITS WITH 33% BEING AFFORDABLE WITH THEIR ASSOCIATED RECREATION AND INFRASTRUCTURE. THE SUBJECT PROPERTY IS LOCATED IN THE RESIDENTIAL B FUTURE LAND USE DESIGNATION. THE SURROUNDING FUTURE LAND USE DESIGNATIONS ARE RESIDENTIAL A, RESIDENTIAL B, PARKS AND OPEN SPACE AND DRI. SURROUND ZONINGS ARE OR AND PUD

Proof of publication of the Notice of Public Hearing on Notice of Proposed Rezoning on File #PUD 2003-10, Samara Lakes was received, having been published in *The St. Augustine Record* on July 2, 2003.

Danielle Mayoros, Planner II, stated that this request seeks to rezone approximately 310.6 acres located at 3650 Pacetti Road from Open Rural (OR) to Planned Unit Development (PUD) for the development of up to 872 residential dwelling units with 33% being affordable with their associated recreation and infrastructure. She reviewed the six requested waivers. Discussion followed on the requested waivers. (3:26 p.m.) Joe Stephenson, Public Works Director, commented on the parcel of property adjoining the Turnbull property, and addressed requested waivers. (3:25 p.m.) Teresa Bishop, Director of Planning, spoke on the requirement of the World Commerce DRI. Meiszer disclosed meeting with the developer to discuss the pros and cons of this development. Maguire spoke on the zero lot line and stated that he didn't like the entrance to the park.

(3:32 p.m.) Gary Davenport, 3266 Pacetti Road, representing the applicant. Bryant announced that the 3:30 p.m. closed-door hearing was being delayed. Davenport addressed the Board's comments regarding the entrance to the park, the zero lot line, and the affordable lots. Stern disclosed exparte' communication with Gary Davenport to discuss affordable housing and the amenities of this proposal. She questioned the reasoning behind having a sidewalk on one side of the road only. Davenport responded. Discussion followed on the affordable housing pricing. (3:54 p.m.) Tom Crawford, Director of Housing and Financing, explained the definition of affordable. (3:57 p.m.) **Motion by Jacalone, seconded by Stern, to enact Ordinance No. 2003-62, known as PUD 2003-10, adopting Findings in the package 1 through 6, and including the requested waivers by number 1, 2, 3, and 5.**

(4:01 p.m.) Daniel Maltby, 1795 CR 13A South, Elkton, spoke in favor of the rezoning. **The motion carried 4/1, with Meiszer opposed.**

ORDINANCE NO. 2003-62

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

The meeting moved to Item 10.

(08/12/03 - 13 - 5:20 p.m.)

7. PUBLIC HEARING - AMENDMENT TO ARTICLE III, PART 3.07.00 SOUTH ANASTASIA ISLAND OVERLAY DISTRICT OF THE LAND DEVELOPMENT CODE - THIS IS A PROPOSED ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE, ARTICLE III, PART 3.07.03.A ESTABLISHING REQUIREMENTS FOR THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT. THE CHANGE PROPOSED IS TO EXCLUDE TWO FAMILY DWELLINGS FROM THE DESIGN REVIEW BOARD PROCESS OF THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT. THIS IS THE SECOND OF THE TWO REQUIRED PUBLIC HEARINGS, THE FIRST PUBLIC HEARING WAS HELD JULY 15, 2003 AT 5:30 P.M. THIS ITEM APPEARED BEFORE THE PLANNING AND ZONING AGENCY FOR THEIR CONSIDERATION AND RECOMMENDATION ON THURSDAY, JULY 17, 2003, WHERE THEY RECOGNIZED THAT THE PROPOSED LANGUAGE COMPLIED WITH THE COMPREHENSIVE PLAN AND UNANIMOUSLY VOTED TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS' ADOPTION OF THE PROPOSED LANGUAGE

Proof of publication of the Notice of Public Hearing on Ordinance/Regulations affecting land use, South Anastasia Island Coastal Corridor Overlay District was received, having been published in *The St. Augustine Record* on July 8, 2003.

Danielle Mayoros, Planner II, presented the details of this item. (5:21 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to enact Ordinance 2003-63.**

ORDINANCE NO. 2003-63

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING, ADDING AND REPEALING SECTIONS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, AS ADOPTED BY ORDINANCE NO. 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE III SPECIAL DISTRICTS, SPECIFICALLY REVISING SUBSECTION 3.07.03.A PERTAINING TO THE APPLICATION OF DISTRICT REGULATIONS IN THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

The meeting moved to Item 13.

(08/12/03 - 14 - 5:27 p.m.)

8. PUBLIC HEARING - NZVAR 02-0023, GREEN NON-ZONING VARIANCE 2 - THE APPLICANT, KATHERINE GREEN, DESIRES TO CONSTRUCT A 12 FOOT WIDE STABILIZED DIRT ROAD IN A PLATTED COUNTY ROW 16 FEET WIDE TO ACCESS FIVE (5) PROPERTIES FROM POPOLEE ROAD. THE APPLICANT PROPOSES TO CONSTRUCT A 2-FOOT WIDE DRAINAGE DITCH ALONG THE FULL LENGTH OF EACH SIDE OF THE ROAD AND CONSTRUCT A COUNTY APPROVED CUL-DE-SAC AT THE END. THE PROPOSED ROAD WILL BE APPROXIMATELY 1,250 FEET IN LENGTH

Proof of publication of the Notice of Public Hearing on File #NZVAR 02-0023, Popolee Road, Green Non-Zoning-2 was received, having been published in *The St. Augustine Record* on July 28, 2003.

Richard Tomich, Chief Engineer, Development Services, presented the details of the requested non-zoning variance and stated that the proposed road and drainage do not conform to the Land Development Code. He stated that the applicant was previously granted a variance for a 20-foot wide stabilized dirt road that was never built, and he illustrated the road with photos, Exhibit A. (5:30 p.m.) Meiszer questioned how two vehicles could pass on such a narrow roadway. Tomich agreed that would be difficult and stated that he is not recommending that this variance be approved. Discussion followed on the parcels and the current development on the road.

(5:32 p.m.) Joseph Green, 1139 Popolee Road, clarified that there would only be four households using Popolee Road. He stated that after the first variance was granted they got the engineering done and they did not like the way it looked. He showed photos of the area, Exhibit B, and stated that the Fire and Rescue Departments have reviewed the plans and approved them. He illustrated the roadway plan with Exhibit C, a map showing the specific roadway bed.

(5:39 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0 with Maguire absent, to approve NZVAR 02-0023, based upon the evidence provided for in the Findings of Fact.**

(08/12/03 - 15 - 5:40 p.m.)

9. PUBLIC HEARING - NZVAR 03-009 COATES CONSTRUCTION DRIVEWAY / ASTURIAS STREET - THE APPLICANT, MR. JOHN THOMAS COATES, OWNER OF LOTS 9, 10, 1, AND PART OF LOT 2 OF BLOCK C, WALLER PARK SUBDIVISION, SEEKS A NON-ZONING VARIANCE OF PART 6.04.00 OF THE LAND DEVELOPMENT CODE. THE APPLICANT DESIRES TO ACCESS LOTS 1 AND 2 BY CONSTRUCTING A 12-FOOT WIDE DRIVEWAY ON PLATTED COUNTY ROW ALONG THE SOUTHERNMOST SECTION OF UNOPENED ASTURIAS STREET. THE PROPOSED DRIVEWAY WOULD BE APPROXIMATELY 85 FEET IN LENGTH. THE APPLICANT PROPOSES CONSTRUCTION OF A 24-FOOT DIAMETER CUL-DE-SAC NEAR THE END TO FACILITATE ACCESS BY EMERGENCY VEHICLES

This item was continued from the July 22, 2003 BCC Meeting.

Richard Tomich, Chief Engineer, Development Services, stated that a definite answer could not be obtained from DOT regarding access to Mr. Coates' lots from A1A. He stated that they strongly suggested investigating other alternatives, but would not give a yes or no answer. Discussion followed regarding the right-of-way. (5:42 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to deny NZVAR 2003-009, based upon failure to provide substantial evidence for any one of the five Findings of Fact.**

The meeting moved to Item 12.

(08/12/03 - 15 - 4:00 p.m.)

10. CLOSED SESSION - THIS IS A PRIVATE ATTORNEY CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUITS BETWEEN THE SAMPSON CIVIC ASSOCIATION, INC., ELAINE K. ANSBACHER, ROBERT P. WHEELER, BILL THOMASON, AND ALEXANDER KIMMELL VS. ST. JOHNS COUNTY AND THE DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF ADMINISTRATIVE HEARINGS, CASE NO. 03-2411 GM AND SAMPSON CIVIC ASSOCIATION, INC., ELAINE K. ANSBACHER, ROBERT P. WHEELER, BILL THOMASON, AND ALEXANDER KIMMELL VS. ST. JOHNS COUNTY AND THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT IN AND FOR ST. JOHNS COUNTY, CASE NO. CA 03-338. THIS MEETING HAS BEEN ADVERTISED FOR 3:30 P.M. CONFERENCE ROOM "A" HAS BEEN RESERVED

Bosanko read the name of the lawsuits into the record, the Sampson Civic Association Inc., Elaine K. Ansbacher, Robert P. Wheeler, Bill Thomason, and Alexander Kimmell vs. St. Johns County and the Department of Community Affairs, Division of Administrative Hearings Case No. 03-2411 GM and Sampson Civic Association Inc., Elaine K. Ansbacher, Robert P. Wheeler, Bill Thomason, and Alexander Kimmell vs. St. Johns County and the St. Johns County Board of County Commissioners. In the Circuit Court Seventh Judicial Circuit in and for St. Johns County, Case No. CA 03-338. Florida Statute 286.011 allows the Board to hold a private meeting in order to provide advice.

(4:02 p.m.) Bryant announced that the closed door attorney client meeting concerning the lawsuits would commence at 4:02 p.m. in Conference Room "A", and was estimated to last about 30 minutes. The attendees of the meeting were: James E. Bryant, Karen R. Stern, Marc A. Jacalone, Bruce A. Maguire and Nicholas Meiszer; Ben W. Adams, Jr.; Daniel J Bosanko, Esquire; and Kathy Ardito, Court Reporter.

(4:31 p.m.) Bryant announced the conclusion of the Private Attorney/Client meeting and reopened the Regular Meeting.

(08/12/03 - 16 - 4:28 p.m.)

11. CONSIDER AN OFFER TO SETTLE A LAWSUIT OF SAMPSON CIVIC ASSOCIATION, ET AL. VS. ST. JOHNS COUNTY, ET AL. STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS CASE NO. 03-2411

Bosanko proposed a settlement agreement for the lawsuits that were discussed in the closed meeting, and read parts of it into the record. Bosanko stated that this agreement refers to three parts of Russell Sampson Road. The northern part of the road is already to be improved by the developers of Aberdeen and Durbin Crossing, the central portion of the road provides that the developer would do some improvement in the right-of-way that now exists, that does not meet the County's standards, which the County has agreed to, and the southern portion of the road that the County had agreed to improve in a previous agreement, the Taylor Woodrow Acquisition Development Agreement. This agreement only makes a few changes in regards to the southern part of the road. The County will have a goal of completing the right-of-way acquisition by August 12, 2008. There are also requirements for the developer. Bosanko explained that on page 7, in 11b, the second line from the bottom on the copy that was just handed out, strike two words, *otherwise* and the word *however* after the words "the petitioners" and place the words *however, except for the above provision*, before the words "the petitioners." He stated that he also understood that SouthStar, the developer of the two developments, was in agreement with this document. He also stated that no agreement was made in the closed-door meeting, that he had just explained everything to the Commissioners, and now they have the opportunity to listen to the public and make a decision.

(4:36 p.m.) John Metcalf, 245 Riverside Avenue, representing SouthStar Development Partners, stated that they are in agreement with the agreement described by Bosanko, and that Mr. Woodbury was prepared to sign today. The Sampson Civic Association was also in agreement.

(4:40 p.m.) Marilyn Holland, 2120 Quarterhorse Circle East, stated that the Sampson Civic Association did not represent the members of the community and voiced her concerns. Discussion followed on the boundaries of the Association, how many homes are in the area, and the Sampson Civic Association being a non-profit corporation and not having any members.

(4:42 p.m.) Joe Stephenson, Public Works Director, assured the Board, and the public, that this settlement agreement would have nothing to do with the alignment of the road, or the construction of the road improvements. He explained what would be done with the roads. (4:45 p.m.) Lenora Newsome, Deputy Clerk, left the meeting and Robin Platt, Deputy Clerk, entered the meeting. (4:45 p.m.) Bryant stated that he thinks some of the residents feel that there has been some maneuvering so that the residents on the west side of the road would not have to give up any right-of-way. Stephenson explained that right-of-way acquisition is dictated by the curvatures of the road.

(4:46 p.m.) Kathy Stewart, 10570 Russell Sampson Road, Jacksonville, stated that she was concerned about how much land would be taken from her, as Taylor Woodrow already

has their lots set. She also addressed the Sampson Civic Association, stating that they do not represent the residents, as they were not invited to join the Association.

(4:51 p.m.) Jacalone pointed out that this agreement would not decide the alignment of the roadway, nor what the County is planning to do regarding right-of-way acquisition, that would be decided after the engineering is done. Discussion followed on SouthStar's obligation to acquire and donate land for the right-of-way.

(4:52 p.m.) Freddie Rowland, 10425 Russell Sampson Road, Jacksonville, stated that he would not be greatly affected by the possible realignment and addressed the current condition of the road. He was concerned with the fairness of the property acquisition and the perceived pressure being placed on the Board to settle this suit for \$75,000. He asked the Board to listen to all the residents of the area, not just one corporation that is not representing the community as a whole.

(4:58 p.m.) Jacalone stated that everything that the Board has obligated itself to was going to be done on the same schedule anyway, and that no projects have been accelerated. He also commented that the monetary contribution is coming from SouthStar, and is not County money. (4:58 p.m.) Meiszer explained, for the benefit of the public, how the suit and subsequent settlement came to pass, and he suggested that the residents of the area form their own civic association or homeowner's group. (5:01 p.m.) Bosanko emphasized that the County was sued, and did not enter into this suit voluntarily. (5:02 p.m.) Stephenson explained that all public hearings would be noticed with mailings and sign postings.

(5:03 p.m.) John Bennett, 10150 Terrell Pappy Road, stated that he could not understand how two or three people could get together, form an association, and control the whole community.

(5:04 p.m.) Stern mentioned that she had a copy of a petition from Mr. and Mrs. Wilson that indicated that they feel that the Sampson Civic Association did not represent them. (5:05 p.m.) Maguire stated that he sympathized with the residents and suggested that they go after the Association to make sure that the funds are spent for the benefit of the community and he supported Meiszer's comments that they need to form their own association. (5:06 p.m.) **Motion by Maguire to approve the contract that has been presented to us [the Board], the agreement with the change noted by Mr. Bosanko.** (5:06 p.m.) Bosanko handed out a collection of questionnaires from the Russell Sampson area residents who had responded to the questions. (5:08 p.m.) **Jacalone seconded the motion, and it carried 5/0.**

(5:08 p.m.) Meiszer recognized the contributions made by the late Robert E. Wheeler, and posthumously thanked him for his civic leadership. He suggested presenting his widow with a Resolution or certificate to recognize his contribution to the community.

The meeting recessed at 5:09 p.m. and resumed at 5:19 p.m. with Item 7, and with Maguire no longer in attendance.

(08/12/03 - 17 - 5:43 p.m.)

12. CONSIDER A MOTION TO ENACT AN ORDINANCE ESTABLISHING AND CLARIFYING BY LAW WHAT IS SUBSTANTIALLY FOUND IN THE COUNTY ATTORNEY CONTRACT IN REGARDS TO THE AUTHORITY OF THE COUNTY ATTORNEY TO HIRE AND DISMISS COUNTY LEGAL STAFF AND ESTABLISHING THAT A DEPUTY COUNTY ATTORNEY MAY BE APPOINTED, BY THE COUNTY ATTORNEY, PROVIDING THAT IF SUCH APPOINTMENT IS FOR GREATER THAN A TWO WEEK PERIOD THAT IT BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of the Notice of Public Hearing regarding the County Attorney Ordinance was received, having been published in *The St. Augustine Record* on August 1, 2003.

Dan Bosanko, County Attorney, returned to the meeting and reviewed some of the details of the Ordinance that coincide with things that are already in the County Attorney's contract. (5:46 p.m.) **Motion by Meiszer, seconded by Stern, carried 4/0 with Maguire absent, to adopt Ordinance No. 2003-64.**

ORDINANCE NO. 2003-64

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CONSISTING OF THREE PARTS. PART I VESTS THE COUNTY ATTORNEY WITH AUTHORITY TO SELECT, HIRE, RETAIN AND DISMISS: ASSISTANT COUNTY ATTORNEYS, NON-ATTORNEY SUPPORT STAFF FOR THE COUNTY ATTORNEY'S OFFICE, AND PRIVATE ATTORNEYS PAID FROM FUNDS BUDGETED AND APPROPRIATED BY THE BOARD OF COUNTY COMMISSIONERS TO REPRESENT AND/OR ADVISE PERSONS, ENTITIES, OR ORGANIZATIONS THAT CARRY OUT FUNCTIONS OR OPERATIONS OF THE COUNTY UNDER POLICIES SET BY THE BOARD OF COUNTY COMMISSIONERS; IT ALSO AUTHORIZES THE COUNTY ATTORNEY TO APPOINT A DEPUTY COUNTY ATTORNEY, BUT RESERVES TO THE BOARD OF COUNTY COMMISSIONERS THE OPPORTUNITY TO APPROVE ANY SUCH APPOINTMENT FOR A PERIOD GREATER THAN TWO WEEKS; FURTHERMORE, IT VESTS THE COUNTY ATTORNEY, ASSISTANT COUNTY ATTORNEYS, AND OUTSIDE RETAINED COUNSELS WITH VARIOUS OTHER AUTHORITIES OF A TYPE COMMONLY CARRIED OUT BY ATTORNEYS FOR CLIENTS INCLUDING, BUT NOT LIMITED TO, NEGOTIATIONS OF DOCUMENTS WITHIN THE SCOPE OF THEIR REPRESENTATION OF THE COUNTY AND DRAFTING OF AGREEMENTS. PART II DEALS WITH COUNTY BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS. IT MAKES FINDINGS OF FACT; AUTHORIZES AND VESTS THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND OUTSIDE ISSUER COUNSEL, IF ANY, SELECTED BY THE COUNTY ATTORNEY WITH THE ABILITY AND AUTHORITY TO NEGOTIATE, DRAFT AND INITIALLY APPROVE ON BEHALF OF THE COUNTY THE FORMS OF ALL RESOLUTIONS, ORDINANCES, CONTRACTS AND OTHER DOCUMENTS, INCLUDING WITHOUT LIMITATION, BOND FORMS, PRELIMINARY OFFICIAL STATEMENTS AND OFFICIAL STATEMENTS THAT ARE NECESSARY OR APPROPRIATE FOR THE ISSUANCE OF ST. JOHNS COUNTY, FLORIDA, BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; IT AUTHORIZES AND VESTS THE COUNTY ATTORNEY WITH THE ABILITY AND AUTHORITY TO SELECT AND RETAIN ON BEHALF OF THE COUNTY BOND COUNSEL,

DISCLOSURE COUNSEL AND, AT THE DISCRETION OF THE COUNTY ATTORNEY, OUTSIDE ISSUER COUNSEL FOR BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; AND IT AUTHORIZES AND VESTS THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND OUTSIDE ISSUER COUNSEL, IF ANY, TO DO AND PERFORM ALL OTHER ACTS, OTHER THAN SELECT THE BOND PURCHASER, THE UNDERWRITER, THE REGISTRAR, AUTHENTICATING AGENT AND PAYING AGENT, THE RATING AGENCIES, AND/OR THE BOND INSURER THAT ARE NECESSARY OR APPROPRIATE FOR THE ISSUANCE AND SALE OF COUNTY BONDS, NOTES OR OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; PROVIDED, HOWEVER, THAT NO COUNTY BONDS, NOTES OR OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS SHALL BE ISSUED OR SOLD UNTIL, AND UNLESS, THE ISSUANCE AND SALE THEREOF PURSUANT TO AND IN THE MANNER SET FORTH IN THE DOCUMENTS THAT ARE PREPARED OR APPROVED BY THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND/OR BY OUTSIDE ISSUER COUNSEL ARE FIRST APPROVED, MODIFIED AND/OR AUTHORIZED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; ADDITIONALLY, THE BOARD HAS THE RIGHT TO REJECT, MODIFY, ADOPT AND/OR ENACT ALL RESOLUTIONS AND ORDINANCES THAT ARE PREPARED OR REVIEWED BY THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND/OR BY OUTSIDE ISSUER COUNSEL THAT ARE NECESSARY OR APPROPRIATE FOR THE ISSUANCE OF COUNTY BONDS, NOTES AND OTHER INSTRUMENTS OF COUNTY INDEBTEDNESS; IN PERFORMING HIS OR HER DUTIES UNDER THIS ORDINANCE, THE COUNTY ATTORNEY, HIS OR HER DESIGNEES AND/OR OUTSIDE ISSUER COUNSEL ARE VESTED WITH AUTHORITY TO CONSULT WITH SUCH FINANCIAL CONSULTANTS, COUNTY STAFF, OUTSIDE ATTORNEYS, AND OTHER PROFESSIONALS AS HE OR SHE SHALL DEEM ADVISABLE OR NECESSARY. PART III OF THIS ORDINANCE PROVIDES AN EFFECTIVE DATE

(5:46 p.m.) Bosanko explained the details of Item 5A that was approved by the Board in the morning session. He stated that the proposed Ordinance would make the Impact Fee Ordinance more flexible.

The meeting proceeded to Reports.

(08/12/03 - 19 - 5:21 p.m.)

13. PUBLIC HEARING - NOTICE OF PROPOSED CHANGE TO THE ST. AUGUSTINE CENTRE DRI (FILE NO. NOPC-2003-02) - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO THE ST. AUGUSTINE CENTRE DRI DEVELOPMENT ORDER (DO). THE REQUEST PROPOSES TO SHIFT THE INDUSTRIAL AND RESIDENTIAL USE PARCELS, TO ADD 203 DWELLING UNITS, REDUCE THE INDUSTRIAL SQUARE FOOTAGE FROM 540,000 SQUARE FEET TO 300,000 SQUARE FEET AND REVISE THE PHASING SCHEDULE WITHOUT AN EXTENSION OF THE COMPLETION DATE. THE NOPC

PROPOSES TO RELOCATE THE INDUSTRIAL USE PARCEL TO THE NORTHERN END OF THE PROJECT ALONG INMAN ROAD AND CENTRALLY LOCATE THE RESIDENTIAL USE PARCEL. INMAN ROAD AND OUTLET CENTRE DRIVE PROVIDE ACCESS TO THE SITE

Proof of publication of the Notice of Public Hearing on NOPC 2003-02, St Augustine Center DRI, was received, having been published in *The St. Augustine Record* on July 2, 2003.

Teresa Bishop, Planning Director, presented the details of this item and commented that Staff and the Regional Planning Council had requested a traffic study to show if there were any changes in the amount of traffic caused by the relocation and the additional dwelling units. The study showed that no additional traffic was being generated. Discussion followed on the traffic study. (5:24 p.m.) Stern disclosed ex parte communication.

(5:24 p.m.) John Bailey, counsel for the applicant, stated that he was available for questions.

(5:24p.m.) Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to approve Resolution 2003-151, adopting Findings contained in the package to support the motion, 1 through 3.

RESOLUTION NO. 2003-151

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 97-77); FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(08/12/03 - 20 - 5:25 p.m.)

14. CONSIDER A MOTION TO SCHEDULE A PUBLIC HEARING TO AMEND SECTION 9.06.04 OF THE LAND DEVELOPMENT CODE FOR AUGUST 26, 2003

Teresa Bishop, Planning Director, presented the details of this item, and stated that the change addresses how noticing would be handled in the future. A brief discussion followed. (5:27 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to schedule a public hearing to amend Section 9.06.04 of the Land Development Code for August 26, 2003 at 1:30 p.m.**

The meeting moved to Item 8.

(08/12/03 - 20 - 5:48 a.m.)

COMMISSIONERS' REPORTS

Commissioner Maguire

Scott Clem gave a status update on the MPO on behalf of Commissioner Maguire.

(5:52 p.m.)

Commissioner Meiszer

Meiszer stated that he hoped that a way could be found to continue the recycling program and discussion followed.

(5:54 p.m.)
Commissioner Stern
No report.

(5:54 p.m.)
Commissioner Jacalone
Jacalone also addressed the recycling issue.

(5:55 p.m.)
Commissioner Bryant
Bryant addressed the paint recycling program and the new Public Health Director. He informed the Board that there were letters of support for each Commissioner to sign for the grant application that was presented by Vicki Renna. He also addressed the bond process and discussion followed.

(08/12/03 - 21 - 5:59 p.m.)
COUNTY ADMINISTRATOR'S REPORT

No report.

(08/12/03 - 21 - 5:59 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(08/12/03 - 21 - 5:59 p.m.)
CLERK OF COURT'S REPORT

No report.

(5:59 p.m.) Bryant addressed the management of the Primary Care Center and requested that a time be set to review the proposals. It was set for August 26th. Discussion followed regarding Dr. Carver and his function as the employee physician.

(6:02 p.m.) **Motion by Bryant, seconded by Jacalone, carried 4/0 with Maguire absent, to adjourn.**

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check #337937 through #337938 totaling \$195.65 (07/30/03)
2. St. Johns County Board of County Commissioners Check Register, Check #337939 through #337944 totaling \$105,775.41 (08/01/03)
3. St. Johns County Board of County Commissioners Check Register, Check #337945 through #338298 totaling \$1,137,508.17 (08/01/03)
4. St. Johns County Board of County Commissioners Check Register, Check #338299 totaling \$1,499.85 (08/04/03)
5. St. Johns County Board of County Commissioners Check Register, Check #338300 through #338532 totaling \$1,237,879.15 (08/08/03)
6. St. Johns County Board of County Commissioners Check Register, Check #338533 through #338561 totaling \$46,028.71 (08/08/03)

CORRESPONDENCE:

1. Letter dated August 4, 2003, to Sara Jane Adamson, regarding a copy of the Minutes of the Legislative Delegation Meeting, dated December 12, 2002.

Approved September 4, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Wendee King
Deputy Clerk

