

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 7, 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
Dan Bosanko, County Attorney
Cecelia Aldrich, Deputy Clerk

Also present: Michael Hunt, Assistant County Attorney, Cheryl Strickland, Clerk of Courts, and Allen MacDonald, Finance Director

(10/07/03 - 1 - 9:02 a.m.)

The meeting was called to order by Chairman Bryant.

(10/07/03 - 1 - 9:03 a.m.)

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

(10/07/03 - 1 - 9:04 a.m.)

PROCLAMATION DESIGNATING OCTOBER, 2003, AS DOMESTIC VIOLENCE AWARENESS MONTH

Stern read the Proclamation and presented it to Beth Hughes, Executive Director of the Betty Griffin House. Hughes commented on several other initiatives, including "A Day Without Violence" calendar, with artwork provided by area children; and, the "Why Not Campaign," which was a project involving law enforcement and seven northeast Florida counties.

(10/07/03 - 1 - 9:09 a.m.)

PROCLAMATION DESIGNATING OCTOBER 2003 AS VISION AWARENESS MONTH

Maguire introduced Jim Donnelly and Marilyn Wright, a facilitator for the visually impaired support group, and read the Proclamation. Wright thanked the Commissioners, commented on the importance of vision problems awareness and the need for more education. She urged anyone with vision problems to call the Division of Blind Services to learn what services are available. Donnelly reported that there is a visually impaired program that meets the third Thursday of every month at 12:30 p.m. at the Council on Aging.

(10/07/03 - 1 - 9:14 a.m.)

SPECIAL PRESENTATION TO HONOR CHRIS JACALONE

Jacalone paid tribute to his nephew, Marine LCPL Chris Jacalone, who recently returned from Iraq. Commissioner Jacalone displayed an Iraqi flag that LCPL Jacalone brought home.

(10/07/03 - 2 - 9:16 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Jacalone, seconded by Stern, carried 5/0, to adopt the previously read Proclamations.

(10/07/03 - 2 - 9:16 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(10/07/03 - 2 - 9:17 a.m.)

PUBLIC COMMENT

There was none.

(10/07/03 - 2 - 9:17 a.m.)

DELETIONS TO CONSENT AGENDA

Maguire requested to pull the minutes from August 26, 2003, under Consent 2, to be placed on the Regular Agenda as Item A1; and to pull Item 5, the Drug Court Treatment Provider Contract, to be placed on the Regular Agenda as Item 11A.

(10/07/03 - 2 - 9:18 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:
08/26/03 - BCC Regular Meeting (Pulled and moved to the Regular Agenda as Item A1.)
09/09/03 - BCC Regular Meeting
09/16/03 - BCC Regular Meeting
09/23/03 - BCC Regular Meeting
3. Sheriff's Bonds:
Approve: Melissa Hill Brian Alli Joshua Blyler
 Herbert Brownett Stephen Colson Carol Cooley
 Ross Danson Jared Goodman Mark Hall
 Michael Hauge Ord Keoprasert Jane Keyser
 Adam Kline Steven Lay Magda Mallis
 Gerald Mitchell Gerald Tyburski Bradley Wasson
 Michael Oda Carole Wilder Delbert Burkes
 Napolian Staggers Christopher Mackley Melinda Prather
 Alyson Bean Mary Liegois Tina Pittman
 Patricia Usina Nettie Larger Donald Mascia (9/04/03)
 Larry Shook Theresa Piet
- Cancel: Robin L. Robinson Wanda Sapp Donald Mascia (8/19/03)
 Alexis Boryszewski Willie Verdell Steve Howard

Ricky White Kimberly Freeman James F Allen Jr
Mardette DeJoy

4. Motion to approve **Resolution No. 2003-186**, amending the Capital Asset Policy contained in the St. Johns County Administrative Code

RESOLUTION NO. 2003-186

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AMENDING THE CAPITAL ASSET POLICY CONTAINED IN THE ST. JOHNS COUNTY ADMINISTRATIVE CODE

5. *Motion to authorize the County Administrator to execute the Drug Court Treatment Provider Contract*

(Item No. 5 was pulled and placed on the Regular Agenda as Item 11A.)

6. Motion to allow the County Administrator, or his designee, to negotiate with and enter into contracts with the No. 1, 2 and 3 ranked firms of Simes and Rosch Engineering, Haddad Engineering, and TLC Engineering, to provide professional mechanical and electrical engineering services on a Continuing Services Contract. If an agreement cannot be reached with the No. 1 ranked firm, authorization was requested to terminate negotiations and begin negotiations with the next ranked firm and continue until agreements are reached with one of the three firms *(See Attachment A)*
7. Motion to adopt **Resolution No. 2003-187**, implementing new and/or revised fees for services provided by St. Johns County Departments

RESOLUTION NO. 2003-187

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE SCHEDULE OF FEES FOR CERTAIN COUNTY DEPARTMENTS

8. Motion to authorize the County Administrator to execute contracts with the Council on Aging for recreational programs at Trout Creek and Palm Valley, for Fiscal Year 2004
9. Motion to approve a Mission Statement for public utilization by the St. Johns County Utility Department
10. Motion to authorize the County Administrator, or his designee, to enter into an agreement for Advertising Services with Ad-Ventures, Inc. T/A The Meridian Group, Inc., for a period of (1) year, expiring September 30, 2004
11. Motion to adopt **Resolution No. 2003-188**, authorizing the Clerk of the Courts to file the survey map for a portion of Yelvington Road, claiming a vested interest in St. Johns County, and approving the terms and conditions of an Interlocal Agreement and authorizing execution of said Agreement

**SUMMARY SHEET
FOR RANKING OF PROFESSIONALS**

ST. JOHNS COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS
CRITERIA FOR RANKING:

DATE: SEPTEMBER 11, 2003 @ 9 a.m.
PROJECT: REP NO: 03-95, Continuing Contracts-Mechanical & Electrical Engineering

FIRM	RATER	RATER	RATER	RATER	TOTAL	RANK	COMMENTS
	BURNS	ROBIN	ATHERTON				
BRIAN CUMMING & ASSOCIATES, INC.	32	33	37		102	5	
JONES EDMUNDS & ASSOCIATES	39	36	34		109	4	
KEYN PARTNERS INC	34	32	25		91	7	
EDWARDS & KELCEY	30	31	39		100	6	
SIMES & ROSCH ENGINEERING	44	39	56		139	1	
HADDAD ENGINEERING	43	40	53		136	2	
TLC ENGINEERING	37	38	44		119	3	

APPROVED: PURCHASING MANAGER

[Signature]

DATE 9-24-03

DIRECTOR OF FACILITIES MAINTENANCE

[Signature]

DATE 9/23/2003

NOTE: THE RANKING SHOWN ABOVE MUST BE FOLLOWED UNLESS SPECIAL CONDITIONS MERIT A CHANGE IN THE NEGOTIATING ORDER. IN THIS CASE, THE SPECIAL CONDITIONS MUST BE EXPLAINED IN DETAIL IN THE COMMENTS SECTION OR ATTACHED TO THIS RANKING SHEET.

POSTING TIME/DATE FROM 4:00 P.M. UNTIL 4:00 P.M. PAGES 1 OF 1 PAGE(S)

ANY RESPONDENT AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY REQUEST FOR PROPOSAL, 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 SUMMARY SHEET. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

10/07/03

Consent # 6

ATTACHMENT A

RESOLUTION NO. 2003-188

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP FOR A PORTION OF YELVINGTON ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHTS-OF-WAY THAT ARE DESCRIBED IN THIS SURVEY AND LOCATED WITHIN THE BOUNDARIES OF ST. JOHNS COUNTY, BY PRESCRIPTIVE RIGHTS OF THE PUBLIC IN ACCORD WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA. 1958) AND APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND PUTNAM COUNTY WHICH AUTHORIZES ST. JOHNS COUNTY TO DRIP-PAVE AND MAINTAIN A PORTION OF YELVINGTON ROAD DESCRIBED IN THE ABOVE REFERENCED SURVEY AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT

12. Motion to adopt **Resolution No. 2003-189**, approving a Final Plat for Marshall Creek DRI MUB-2

RESOLUTION NO. 2003-189

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI MUB-2

13. Motion to adopt **Resolution No. 2003-190**, approving a Final Plat for Equestrian Way

RESOLUTION NO. 2003-190

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

14. Proofs:
- a. Proof, Notice to Bidders, Bid No. 03-114
 - b. Proof, Notice to Bidders, Bid No. 03-121
 - c. Proof, Notice to Bidders, Bid No. 04-01
 - d. Proof, Notice to Bidders, Bid No. 04-02
 - e. Proof, Notice to Bidders, Bid No. 04-04
 - f. Proof, Request for Qualifications, RFQ No. 03-94
 - g. Proof, Request for Qualifications, RFQ No. 03-115
 - h. Proof, Request for Qualifications, RFQ No. 03-116
 - i. Proof, Request for Qualifications, RFQ No. 04-03
 - j. Proof, Notice of Meeting Cancellation, St. Johns County Water & Sewer Authority, September 3, 2003, 9:00 a.m.
 - k. Proof, Notice of Public Hearing, South Anastasia Island Coastal Corridor Overlay District, Ordinance No. 99-51, July 15, 2003, 5:30 p.m. and August 12, 2003, 1:30 p.m.

- l. Proof, Notice of Public Hearing, Community Redevelopment Agency, Severability/Repeal, September 23, 2003, 9:00 a.m.
- m. Proof, Certificate of Liability, Pavement Technology, Inc.
- n. Proof, Certificate of Liability, EPIX Inc., l/c/f Southeast Electrical Contractors, Inc.
- o. Proof, Certificate of Liability, Reynolds, Smith & Hills, Inc.
- p. Proof, Certificate of Liability, All Waste, Inc.
- q. Proof, Certificate of Liability, American Contractors & Developers, Inc.

(10/07/03 - 5 - 9:19 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire requested to pull Item #4. Jacalone asked that Item #11 be moved to A2. Adams requested that Item #10 be pulled for rescheduling.

(10/07/03 - 5 - 9:19 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/07/03 - 5 - 9:20 a.m.)

A1. BCC REGULAR MEETING MINUTES OF AUGUST 26, 2003 (*From Consent #2*)

Maguire stated that the wording of the motion for the St. Johns Visioning funding was vague and he wanted to clarify that the Board did approve a motion to match a two for one ratio; that for every two dollars generated, we [the County] would contribute a dollar, up to a maximum of \$50,000. (9:21 a.m.) Jacalone referred to an article that reported a committed match of 50 cents on the dollar and said that if the motion was unclear, the intent was not. **Motion restated by Maguire, seconded by Jacalone, carried 5/0, "that we [the County] will match fifty cents for every dollar they [St. Johns Visioning] raise on the private side, to a maximum of \$50,000.**

(10/07/03 - 5 - 9:22 a.m.)

A2. CONSIDER A MOTION TO GRANT A ONE-MONTH EXTENSION UNDER THE ORIGINAL CONTRACT FOR THE OPERATION OF THE HASTINGS MEDICAL CLINIC AND ST. JOHNS PRIMARY CARE CENTER BY MEDICAL SPECIALISTS OF ST. AUGUSTINE (*Formerly Item 11*)

Bryant explained that a new contract had not yet been executed for the operation of the Primary Care Clinics at Flagler West and Hastings which has necessitated extending the current contract. (9:22 a.m.) **Motion by Jacalone, seconded by Maguire, to extend the current contract for an additional 30 days to allow the operation to continue.** Stern referred to the contract in the packet and asked if that was what was proposed by the provider. Hunt clarified that the proposed contracts were for review and finalization. (9:24 a.m.) Stern indicated that there were some issues regarding the new contract that she would like to discuss with an attorney, and said she would meet with Hunt. **The Motion carried 5/0.**

(10/07/03 - 5 - 9:24 a.m.)

1. PUBLIC HEARING - RESOLUTION FOR WALDEN CHASE PHASE I UNIT FOUR - THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF CR 210, EAST OF US 1 NORTH, WITHIN THE WALDEN CHASE PUD. THIS REQUEST FOR REPLAT OF A PART OF TRACT 5, WALDEN CHASE PHASE I AND CONSISTS OF TWO SINGLE-FAMILY LOTS. THE ROAD AND

ASSOCIATED DRAINAGE WILL BE DEDICATED TO ST. JOHNS COUNTY. INFRASTRUCTURE IMPROVEMENTS WERE CONSTRUCTED AND ACCEPTED UNDER PHASE I. THEREFORE, NO CONSTRUCTION OR MAINTENANCE BOND WILL BE REQUIRED. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES

Proof of Publication of the Notice of Public Hearing regarding a proposed replat at Walden Chase, Phase I. was received, having been published in *The St. Augustine Record* on September 19, 2003.

Kathy Nielsen, Applications Review Coordinator, reviewed the request and noted that the applicant and some residents were present.

(9:25 a.m.) Bosanko referred to the Walden Chase Phase I plat on the overhead and identified the proposed lots. He gave an historical account of the circumstances surrounding the issue and explained that the developer and the surrounding landowners differed in opinion as to whether the proposed lots were dedicated as Common Area. Bosanko stated that the Record Title of the land was in the name of the developer, not the homeowners association. He stated that the Legal Staff examined the requirements of law for plats and noted that platting was not a discretionary item of the Commission. He pointed out that certain implications could have been made, but there was nothing in writing that dedicated the proposed lots as Common Area, or as owned by the resident lot owners. Bosanko said the developer contacted his office and decided to implement a provision of the Declaration of Covenants and Restrictions, which was distributed to the Board (Exhibit A). He read from sections of the document that related to the developer's rights and "lake parcels" and added that Staff concluded that it could be considered ambiguous. He said the document made it clear that the developer had reserved the right to cure the ambiguity, which he did, by amending the Declaration. Bosanko distributed the Amendment to Declaration of Covenants and Restrictions for Walden Chase (Exhibit B), which clarified Common Areas. Bosanko noted that the only authority the Board had with regard to this issue was whether or not to approve the plat of the two proposed lots. Staff was not aware of any other issues, than the Common Area. Bosanko said, in his opinion, all the other requirements for platting had been met.

(9:33 a.m.) Meiszer asked a procedural question as to why the Public Meeting was held in the morning, rather than the afternoon, as it was difficult for members of the public to attend. (9:33 a.m.) Nielsen responded that it was scheduled in the morning because the afternoon meetings had full agendas for both this week and next.

(9:34 a.m.) Jacalone asked Bosanko for clarification on the presence of dual Counsel. Bosanko explained that Florida Case Law stated that an attorney who advises the Board in a Quasi-judicial Hearing, as the Board Counsel, could not be an advocate for approval, or denial, of any particular provision. He said when they know there is a contested issue, they can bring in two Counsels; one to be an impartial advisor to the Board and another to represent Staff's position.

(9:36 a.m.) John Metcalf, 245 Riverside Avenue, Jacksonville, stated that he was representing Walden Chase Developers. Metcalf said there was never any doubt on their part that the subject lots were part of a common area. He said lakes in the subdivision were intended and would become common area. Metcalf noted that all of the Chapter 177 requirements regarding platting have been satisfied.

(9:38 a.m.) Larry Hice, 345 W. Silverthorn Lane, St. Augustine, said he was speaking as a citizen and that at this point in time, the homeowners' association was still under the

control of the developer. He thanked the Board for the opportunity to speak and referred to a map (Exhibit C), that was used in marketing the lots at Walden Chase. Hice explained that he had paid a premium for his lot based on that rendering. He referred to a Master Development Plan Map, Parcels 1, 6 & 7 (Exhibit D), and commented that none of the residents were provided notice that the use of the subject land was going to change. He expressed frustration about issues with the developer and with the circumstances that had transpired. Hice read from a memo dated August 28, 2003, from Jim Sisco, Assistant County Attorney, and addressed to Dan Bosanko, County Attorney. There was language in the memo that supported the residents' claims that the subject lots were proposed to be Common Areas and not sold as residential lots. He said he received a notice from the Office of the County Attorney, dated September 18th, advising him that it was his opinion that the issue was resolved by the developer. Hice explained that when he purchased his lot he did so based on the plat provided to him at that time. (9:43 a.m.) Allen MacDonald left the meeting.) Hice noted that the County Planning Office had received over 150 responses from homeowners in Walden Chase, expressing opposition to the approval of the replat application. He asked the Board to deny the application.

(9:44 a.m.) Maguire agreed that misrepresentation should not be tolerated, but said he felt that the real issue was what the legal course of action should be. He said it was beyond the parameter of the issue before the Board, and it was his opinion that they would need to go to the courts. (9:44 a.m.) Bosanko reiterated that the Board did not have the jurisdiction, nor the authority, to decide the misrepresentation and/or contractual issues. (9:45 a.m.) Hunt agreed with Bosanko.

(9:45 a.m.) James Sisco, Assistant County Attorney, said he thought they had cured it in a manner that was allowed under the documents and the subdivision plat. He said he did not focus on that cure when he did the memorandum. (9:46 a.m.) Maguire asked Sisco about his earlier position. (9:47 a.m.) Sisco indicated that his position had changed. (9:48 a.m.) Meiszer referred to the advertisement shown earlier and commented that purchasers could not rely on promotional pieces when buying a piece of real estate. Discussion followed related to what was platted at the time, versus what constitutes officially platted property. (9:50 a.m.) Kathy Nielsen, Applications Review Coordinator, clarified that the drawing was from the original plat and it was platted as "Tract 5" with "Lake" in parenthesis. She said it did not appear on the adoption and dedication and was just there as a "Tract," rather than as "residential lots." (9:51 a.m.) Bosanko said there was an ambiguity problem as to whether or not it was open space and that this was a situation when a developer would rely on a Declaration to cure an ambiguity.

(9:53 a.m.) Ken Flint, 365 West Silverthorn Lane, St. Augustine, stated that he also lived near the subject lot. He said he had a sense that the Board members were sort of holding their noses and saying "this is the way it is." He expressed frustration that, in his opinion, the County lets this type of ambiguity happen. He said he was extremely disappointed to find that two and one half years after the fact, what had been advertised as wetlands by a developer, could be tossed out. He questioned whether the same thing would occur with other parcels that have been identified as park land and wetlands. He expressed his displeasure with the developer, the series of events that had transpired, and ultimately calling it an ambiguity.

(9:56 a.m.) Maguire asked Flint what he would want the Board to do with the ambiguity issue. Flint said he would like to see the land not developed and the Board deny the replat. Maguire noted that there are certain legal channels to take certain challenges, but that was not within the Board's purview. (9:58 a.m.) Flint asked if the Board was legally bound to immediately replat this parcel. He expressed concern about the time

constraint and said he feared it would get developed before the residents could move forward with this. (9:59 a.m.) Jacalone said it would not be prudent for the Board to go against it [State Statute and/or County Charter], as it would get overturned. He noted that the Board was limited as to what it could do with plats and if they met the requirements of the Land Development Code it must be approved. Jacalone indicated to Nielsen that he hoped other areas in Walden Chase that are identified for parks, etc., are clearly depicted on the new plat, and that there would be no more ambiguities. (10:00 a.m.) Nielsen said she did not think that Staff could always identify a potential ambiguity, but that they do their best to see to it that these things are stated clearly. Jacalone said he did not like the way this had been done, but did not see that the Board had a choice. He indicated that efforts would be made to prevent this type of situation from happening. (10:02 a.m.) Meiszer said that he could not remember this having happened before and added that if the plat had originally designated the area as open space, than it should remain, but if not, he did not see any basis for denying the request. (10:04) Nielsen said it was not uncommon for developers to reserve a tract for future development and stated that the original plat did not designate the subject parcel as "Open Space."

(10:06 a.m.) Metcalf referred to section two in the Amendment and said that all common areas are now specifically named and that there would be no additional issues like this.

(10:07 a.m.) Stern acknowledged that the motion would not be popular, that she was pleased to see the amendment designating the Common Areas, and indicated that the Board had no choice. (10:08 a.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2003-191, approving a Plat for Walden Chase Phase I - Unit Four.**

RESOLUTION NO. 2003-191

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

(10/07/03 - 8 - 10:08 a.m.)

2. CONSIDER MOTION TO GRANT FREE USE OF SPACE AT THE COUNTY CONVENTION CENTER TO THE ST. GERARD HOUSE TO HOLD THEIR ANNUAL FASHION SHOW, SATURDAY, DECEMBER 6, 2003 FROM NOON UNTIL 3:00 P.M.

Dena Masters, Tourist Development Council Office Manager, stated that she had two requests for space and reviewed the St. Gerard House request.

(10:09 a.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to grant free use of space at the County Convention Center, to the St. Gerard House, to hold their Annual Fashion Show, Saturday, December 6, 2003 from noon until 3:00 p.m.**

(10:09 a.m.) Jacalone asked that when a request is received for a short period of time, that the remainder of the day be available for other possible users.

(10:11 a.m.) Caroline Wolff, St. Gerard Campus, stated that the St. Gerard House was created in 1981 and she noted that the Florida Monthly reported that the Interfaith Christian High School came in third out of the top 64 private schools. She talked about the education and achievements of some of the women that have utilized the St. Gerard

Campus, as well as, their children. Wolff noted that she would be receiving the "Point of Light" award from the Governor this month and she invited the Commissioners.

(10:16 a.m.) Meiszer remarked that the ranking of the school was remarkable and congratulated Wolff on her personal honor. **The Motion carried 5/0.**

(10/07/03 - 9 - 10:16 a.m.)

3. MOTION TO GRANT FREE USE OF SPACE AT THE COUNTY CONVENTION CENTER TO THE DR. MARTIN LUTHER KING, JR. CELEBRATION COMMITTEE OF ST. JOHNS COUNTY FOR THE 19TH ANNUAL COMMEMORATIVE BREAKFAST ON MONDAY, JANUARY 19, 2004 FROM 7:30 A.M. UNTIL 10:00 A.M.

Dena Masters, Tourist Development Council Office Manager, explained the request for the community breakfast in honor of Dr. Martin Luther King, Jr., and noted that it was formerly held at the Ponce de Leon Resort and Convention Center, which had closed.

(10:17 a.m.) Stern indicated that the celebration committee would find the new location a wonderful venue. **Motion by Stern, seconded by Maguire, carried 5/0, to grant free use of space at the County Convention Center to the Dr. Martin Luther King, Jr. Celebration Breakfast for January 19, 2004.**

(10:18 a.m.) Almarene Lownoles, 18 Christopher St., St. Augustine, stated that she had Chaired the [Martin Luther King, Jr. Celebration] Committee for 18 years. She gave a brief historical account of the breakfasts over the years and referred to the growth experienced. (10:19 a.m.) **The Motion carried 5/0.**

(The meeting moved to Item No. 5; the following Item, No. 4 was pulled from the Agenda.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION SUPPORTING THE MEMBERSHIP APPORTIONMENT PLAN AND PLANNING BOUNDARY FOR THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION

(10/07/03 - 9 - 10:19 a.m.)

5. UPDATE ON SUPER BOWL XXXIX TO BE HELD IN JACKSONVILLE IN FEBRUARY 2005

Commissioner Karen Stern, expressed her excitement about the Super Bowl coming to Jacksonville, to be held on February 6, 2005. She noted that she was the St. Johns County Government Liaison to the Super Bowl Committee. Stern introduced Michael Kelly, the President and COO of the Jacksonville Host Committee and noted that he serves as the community liaison to the National Football League (NFL).

(10:22 a.m.) Michael Kelly distributed a brochure (Exhibit A) that was created by the Jacksonville Host Committee which included its Mission Statement and information about the upcoming event. Kelly reviewed some facts and figures and talked about how the Super Bowl could impact St. Johns County. He talked about his staff and Super Bowl related committees. Kelly noted that this area would not gain the full attention of the NFL until after this year's game. He talked about housing needs (17,000+ rooms) for the upcoming event and noted that five cruise ships would be made available. He reviewed the coordination of some of the amenities to be offered, such as golf. Kelly said that both NFL teams would be staying in St. Johns County, one at the World Golf Village and the other at the Sawgrass Marriott at Ponte Vedra. He also noted that the Bartram Trail High School was being considered as a practice site. Kelly stated that they are currently coordinating a familiarization trip for the 100+ meeting

planners who are utilized by the NFL. He talked about transportation logistics and the influx of 600 to 800 corporate jets, associated with the event. Kelly noted that additional support would be needed and invited people to visit the Super Bowl website. He concluded that only 10 other communities have ever hosted the Super Bowl since its inception and it is a blessing to have this opportunity.

(10:37 a.m.) Maguire asked about projections for length of stay and spending related to the event. Kelly responded that an average of 3.8 days has been given with typical spending of \$750 to \$1,000 per day. Discussion followed about the strategy being focused on making a good impression rather than getting visitors to spend money. (10:38 a.m.) Maguire noted that he was impressed with Kelly's staff. (10:39 a.m.) Stern agreed that the Super Bowl is a good economic development opportunity. She commended the work that had been done in putting this together and applauded Kelly and his enthusiastic staff. (10:41 a.m.) Meiszer referred to a recent article in the *Times Union* about the cruise ships disposing of their waste in the St. Johns River. Kelly said one of the corporate sponsors is involved with JEA on the infrastructure and indicated this would be handled.

The meeting recessed at 10:43 a.m. and reconvened at 10:53 a.m.

(10/07/03 - 10 - 10:53 a.m.)

6. CONSIDER THE ST. JOHNS COUNTY LEGISLATIVE ACTION PLAN

Ted Zebrowsky, Intergovernmental Relations Director, stated that the start of the 2004 Legislative Session would be March 4, 2004. He said the County's State Delegation has scheduled a Public Meeting in January to accept input. Zebrowsky said the sessions for the Federal appropriations process would start around January. Zebrowsky referred to the priority issues list for the St. Johns County Legislative Delegation and noted that there were two additions. He reviewed the items and provided the rationale on each. The list included: Transportation Road Funding for SR 312 and SR 9B; Beach Nourishment Performance Monitoring; Shore Reconnaissance Study; Funding for Storm Water and Non-functional Septic Tanks; Aid to Libraries and Regional Library Cooperatives; Human Services Programs; Historical Resources & Cultural Facilities; and, Brackish Water Membrane Treatment Plants. Zebrowsky stated that the first of the two additions was the "water transfer issue." He reported that a group of business leaders, called the Council of 100, is recommending to the Governor that authority over water supply issues be transferred from water management districts in the state to a newly created State Commission. He reported that another intention of the group, was to have the State consider the transfer of water from the north Florida counties to southern and central Florida. He noted that the transfer of water was currently allowed, but only after all other options are considered, including de-salinization plants. Zebrowsky reported that a meeting has been scheduled for Thursday, from 6:00 p.m. to 8:00 p.m. in Jacksonville at the University of North Florida (UNF), to talk about this issue. He suggested that the Board might want to consider taking a position against establishing another Board to oversee water supply and also against water transfers, as part of the Legislative plan. Zebrowsky stated that the second additional issue was to "Protect Dedicated Beach Funding" noting that beaches are probably the most productive economic natural asset in the County. He commented that, due to the financial difficulties that Tallahassee is facing, funds from this source are under consideration. He noted that in FY 06 the renourishment project would start back up.

(11:02) Jacalone commented that other Counties have passed Resolutions in opposition to the transfer of water and talked about de-salinization plants. He said he agreed with adding that to the list. He also agreed with adding to the list, the issue of protecting dedicated beach funding. Jacalone questioned whether or not it would be appropriate

to ask the State to fund the modification of water treatment plants to reverse osmosis. Zebrowsky agreed that it was a local project, but added that there are thousands of local projects included in the Bill. Jacalone said he would have to think about that. He noted that he was glad that SR 312 and SR 9B were still the number one priority. He said it was imperative to get another north/south corridor, in addition to US 1, through St. Augustine, and that Interstate 95 should not be used as a local north/south corridor.

(11:06 a.m.) Maguire said the water transfer issue has been projected to be a fiery issue in Tallahassee. He asked for concurrence from the Board to pass a Resolution to support the opposition. Maguire asked Zebrowsky about the number of issues on the list and Zebrowsky responded that too many issues put on the table could dilute the overall list. Zebrowsky said the list traditionally includes about six to 10 per year. Maguire received confirmation that the request for SR 9B was a section from I 95 south.

(11:09 a.m.) Stern concurred with adding the water transfer issue to the list and asked that the Board consider a Resolution regarding the "Local Sources First Policy." She encouraged all to attend the Public Hearing, established by Senator King, scheduled for Thursday, October 9th from 6:00 p.m. to 8:00 p.m. at UNF. Stern reiterated the importance of having SR 312 and SR 9B near, or at the top of the list.

(11:11 a.m.) Meiszer, the County Commission's representative to the Water Management District, stressed the importance of retaining control of the water and stated that a State-wide agency would minimize local emphasis. He noted that he had changed his mind about water treatment after visiting the Indian River County membrane treatment facility and he described how that system works. Meiszer said he supports the Florida Association of Counties in the positions it takes on state-wide issues, but could not support this issue. He said everyone has the same amount of water, though some parts of the State might have to go to a more expensive treatment process.

(11:16 a.m.) Bryant commented on the unfunded State mandates and stressed it was important for the Board to stay on top of these because the State Medicare just cut the transportation for the disadvantaged. He noted that funding was much higher in other areas of the State, and suggested that more attention in this area might be necessary to get more funding. He also talked about the annual struggle regarding the requirements for nursing home matching funds. Bryant also noted that St. Johns County was in the child protection care, under the Community Care Based program and indicated he was confident that the County would receive adequate funding.

(11:19 a.m.) Stern mentioned that the North East Florida Regional Planning Council has identified water supply as an issue and are working on putting information together. She noted that they have formed a Task Force and she will be serving on that.

(11:20 a.m.) Zebrowsky noted that he had inadvertently forgotten to mention an issue on the list, which was to support the Florida Association of Counties' policy statements.

(11:20 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt the attached legislative priority list.**

(11:21 a.m.) – Don Beattie, 808 Mill Pond Court, said there were a couple of interesting findings in the 2003 Water Assessment Report. He noted that most of the County had been designated as a priority water resource caution area and they are proposing to remove most of it from that designation. He commented that one of the primary reasons was because the County has agreed to do some RO projects. Beattie said he thought it was important to not have a state-wide water resource board.

(11:22 a.m.) Zebrowsky reported that the St. Johns County Legislative Day was scheduled for March 11th and more information would be forthcoming. He also asked if there was a consensus of the Board to bring back a Resolution in support of the water issue. The Board members concurred. (11:23 a.m.) **The Motion carried 5/0.**

(11:23 a.m.) In regard to Agenda Item 7, Meiszer expressed disapproval that the Board was being asked for \$115,000 for a highway beautification project so soon after approval of the new County budget. He said he thought the request should be tabled permanently. Bryant said it should be heard, as it did tie in with the Super Bowl.

(10/07/03 - 12 - 11:25 a.m.)

7. DISCUSSION OF THE LANDSCAPE PROPOSAL FOR STATE ROAD 16 AND ADDITIONAL THOROUGHFARES CONSIDERED AS "GATEWAYS" LEADING INTO ST. JOHNS COUNTY

Chuck Moore, Landscape and Nursery Manager, stated that his presentation was, in part, due to the anticipated business increase and influx of visitors resulting from the Super Bowl. He said it also tied in with a longer-range plan to enhance the entrance corridors to the County. Moore noted that this would be a permanent enhancement, and gave an historical account including involvement of the local business community. He indicated that time was of the essence since there are only 489 days left before the Super Bowl and plantings should be installed at least 90 days prior to. Moore developed a list of the various entrance corridors into the County, and reviewed each via a PowerPoint presentation entitled "Keeping Up Appearances" (Exhibit A).

Discussion followed on the breakdown of costs for Planning, Engineering, and materials. (11:37 a.m.) Moore noted that the business community would be willing to pay for \$100,000 in materials cost, and the County would have to install and maintain the plantings. (11:39 a.m.) Bryant asked if State approval would be needed and Moore explained that the standard would be a Memorandum of Agreement.

(11:40 a.m.) Maguire asked about whether the amount for SR 16 was a bid, or an estimate. Moore responded that there was a standing proposal from BHR for engineering and planning. Maguire suggested approving the SR 16 landscaping and waiting to see some hard numbers on the other areas. (11:43 a.m.) Jacalone commented that the figures for the other intersections are only estimates. He indicated he was not comfortable with approving an expenditure of \$115,000, as there were no estimates for \$95,000 of that amount. He suggested that the others be done on a "case by case" basis. Jacalone asked how BHR got involved. Moore said they were contacted by the business people. Jacalone agreed with Maguire that the Board approve the SR 16 intersection and hold on the others until there were commitments from business owners in those areas. (11:46 a.m.) Meiszer remarked that the BHR proposal was inappropriate, in that it did not go through a bid process. He said he was in favor of beautification, but not in favor of budget amendments in the first week of a new fiscal year. There was discussion about when this started and why it was not part of the budget process. Meiszer also asked about using native plantings for such projects. Moore responded that he was contacted by the business people in regard to the landscaping project. (11:50 a.m.) Stern noted that there are native plants included in the proposal. She said she agreed with supporting what was recommended for SR 16, but not the other intersections. (11:52 a.m.) Moore commented that he was trying to avoid waiting until the last minute. Maguire applauded Moore for attempting to bring this issue in advance and said the Board needs to review it over the next couple of months. Maguire referred to the Outlet Mall being a significant tourist attraction and generating substantial monies. He noted that this is a major intersection to this County. (11:54 a.m.) **Motion by Maguire, to provide the \$20,500 for the State Road intersection based**

on the local businesses in the area providing the materials (meaning the plants). (11:55 a.m.) Jacalone said he would support that, but would have handled it in another way, as he did not think the Board was in a position to allocate money. He noted that the Board only had estimates. (11:55 a.m.) Moore said they would not know the exact cost until they had the survey and the materials list. Discussion followed as to which category the money would be taken from.

(11:57 a.m.) Jan Pearce, 3385 Coastal Highway, stated that she was speaking on behalf of a recently assembled group of business people. She explained how the group got started and the purpose. She expressed interest in enhancing the entrance into the City and asked the Board for its support.

There was discussion regarding the cost of materials. Moore noted that it cost about \$7,500 to landscape a single-family home, to satisfy code. Maguire suggested that the County commit to \$20,500 to the actual installation and up to \$20,500 for the acquisition of materials and let the business people pick up the rest, which would include BHR's cost. (12:01 p.m.) Stern commended Pearce for her efforts. **Adams noted that it would be Department 0085 Landscaping, Motion carried 4/1, with Meiszer dissenting.**

(10/07/03 - 13 - 12:02 p.m.)

8. CONSIDER ISSUANCE OF WATER AND SEWER REVENUE BONDS

Bill Young, Utility Director, explained that the request was for Board authorization to pursue bond issuance to finance the Utility Department's Capital Improvement Plan. He explained that the rationale was to take advantage of the low interest rates and he asked for permission to form a team and come back to the Commission with a recommendation.

(12:04 p.m.) Bryant confirmed that Young had spoken to each Commissioner regarding the issue. Young presented an Aggregate Debt Service form (Exhibit A). (12:06 p.m.) Maguire complimented the firm that produced the document and clarified the process. (12:07 p.m.) Bosanko commented that procedure is such due to the Sunshine Law. He said if the Board consented, he would then select a set of attorneys to help prepare the bond package. It was noted that it would probably be the end of the year before actually going out for bonds. Maguire commented that Young's Staff had a tremendous burden to do this correctly and he applauded them. (12:09 p.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to direct staff to take all necessary steps to issue Water and Sewer Revenue Bonds in the approximate amount of \$30 million.**

(12:09 p.m.) Bryant moved the remainder of the items to the end of the day and the meeting recessed at 12:09 p.m. and reconvened at 1:36 p.m. with Bryant, Jacalone, Stern, Maguire, Meiszer, Adams, Lopez and Deputy Clerk Lenora Newsome present.

(10/07/03 - 13 - 1:36 p.m.)

9. PRESENTATION OF THE SHIP ANNUAL REPORT

Dana Hunt, SHIP Administrator, presented a brief summarization of the annual report they are required to submit to the State for the SHIP activities done in St. Johns County for the past fiscal year. She spoke on working with other programs like the State funded HAP Program, or the Federally funded Home Program, which would bring approximately 4.5 million dollars in affordable housing subsidy money to our County. She stated that they have approximately 174 units that were being produced for very low and low-income families and special needs housing. She stated that the annual report had been completed, sent to the State and certified.

(10/07/03 - 14 - 1:39 p.m.)

12. PUBLIC HEARING - NZVAR 03-0012 COMMONS AT WINGFIELD GLEN - THE APPLICANT, MHK OF VOLUSIA COUNTY, INC., IS DEVELOPING APPROXIMATELY 155.72 ACRES OF LAND AS A MULTIFAMILY DEVELOPMENT KNOWN AS THE COMMONS AT WINGFIELD GLEN, PHASE II OF THE WINGFIELD GLEN P.U.D. THE APPLICANT PROPOSES TO DEVELOP THE ACREAGE AS TOWNHOME UNITS SOLD INDIVIDUALLY WITH A PARCEL OF LAND. THE APPLICANT IS PROPOSING SIX UNIT BUILDINGS WITH DRIVEWAYS THAT DO NOT MEET LAND DEVELOPMENT CODE REQUIREMENTS. THE APPLICANT IS SEEKING A VARIANCE FROM THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT CODE: SECTION 6.04.05 - MINIMUM SPACING FROM PROPERTY LINE - 5 FEET, MINIMUM FROM STREET CORNER - 10 FEET, MINIMUM BETWEEN DRIVES - 10 FEET, MINIMUM ANGLE - 80 DEGREES

Proof of publication of the Notice of Public Hearing on NZVAR 03-0012, Commons at Wingfield Glen was received, having been published in *The St. Augustine Record* on September 22, 2003.

Richard Tomich, Development Review Chief Engineer, stated that MHK of Volusia County was developing approximately 155.72 acres of land as a multifamily development known as the Commons at Wingfield Glen, Phase II of the Wingfield Glen PUD. He reviewed the proposed changes utilizing the site plan, Exhibit A: on removing buildings and making them off street parking, removing units necessary to give them a ten foot off set for the line of sight, and for the code they resolved most of the major issues, which was inadequate parking with this configuration of driveways. The development, as laid out, was still in conflict because of the distances between the driveways, and to resolve that they would have to reconfigure the building. Jacalone mentioned that the variance is asking for relief from Section 6.04.05, and asked if the relief was for building spacing or driveway spacing. Tomich responded that it was for driveway spacing and that the units were going to be sold as town homes with property, so each building serves as a property line. Jacalone asked if the five feet was the minimum in Section 6.04.05. Tomich replied that five feet was the minimum in the Code. Jacalone stated that everywhere there is a 10-foot from the corner problem, it would be eliminated because the driveway is going to be eliminated. Tomich stated that since these are town homes sold with the property, each has a property line on each side. Jacalone stated that there were two problems outstanding, the minimum spacing from property lines and the minimum spacing between drives. Tomich stated that the latest proposal addressed the majority of the issues.

(1:49) George McClure, 170 Malaga Street, on behalf of MHK of Volusia County Inc., displayed a view of the unit complex, Exhibit B. Jacalone questioned, if it was a condominium, than the driveway would not be an issue. Tomich replied that it was unclear in the Code on that issue and that he was more concerned with the safety aspects of the Code. Jacalone asked if it was a condominium building, would it be exempt from the driveway separation and the edge of property line requirement of the code. Lopez replied that she did not know the answer. Meiszer questioned why they design projects that do not meet the Code and then ask for variances. Tomich stated that, that was how it was submitted and they could not physically meet the Code with the configuration that they had.

(1:58 p.m.) McClure spoke on the Multi-Family Dwelling Design Standards listed in the St. Johns County Land Development Code, Exhibit C. Discussion followed on the safety; importance of public; lack of parking space; and driveways not meeting Codes. Maguire mentioned that there were 20 foot roads, with 10 feet per lane, and sidewalk along one side with 18-inch curbs. Tomich explained where the rest of the right-of-way

was located. Maguire questioned 20 feet being standard for a parking lot. Tomich responded that it is allowed by Code. Maguire stated that in most cases the buildings could be moved back from the property and the 20 feet widened to maybe 30 feet, which would give parking in front of half of the buildings. Tomich stated that they could not because of the configuration of the land and the buildings are as far back from the road as they can get, without infringing on buffers. Maguire stated that he was under the impression that the waivers were for unique issues, not for the entire spectrum of the development. Stern spoke on 20-foot roads being narrow; 20-foot yard setbacks not leaving much room, and questioned if the safety issues had been cleared up. Tomich stated that he agreed with Town Homes, and as far as the safety concerns, he felt a lot better about them with the changes that were made. Tomich stated that staff is putting together a list of recommendations to correct some of the issues. Jacalone questioned how the County allowed 40 foot rights-of-way when the standard is 60 feet for single family. Tomich responded that the Code is very flexible on that.

(2:16 p.m.) Marlin Pryor, Development Services, answered the issue on the right-of-way. Jacalone questioned the difference between a private road and a road being constructed in a gated subdivision. Pryor stated that the only difference is in the wording of the LDC. (2:19 p.m.) **Motion by Jacalone, seconded by Bryant, carried 3/2 by roll call vote, to approve NZVAR 2003-0012 based upon the evidence provided in the Findings of Fact contained in the motion, to include their proposal to do away with 26 units and the building locations that you (Tomich) previously identified on the site plan.**

Roll Call Vote

Jacalone	aye
Maguire	nay
Bryant	aye
Meiszer	aye
Stern	nay

The motion passed 3/2.

(10/07/03 - 15 - 2:23 p.m.)

13. PUBLIC HEARING - REZ 2003-13 BECK MITSUBISHI - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 6.83 ACRES LOCATED AT 2940 US 1 SOUTH FROM COMMERCIAL GENERAL (CG) TO COMMERCIAL INTENSIVE (CI) TO ALLOW FOR THE USE OF UP TO A 30,000-SQUARE-FOOT AUTO DEALERSHIP WITH ASSOCIATED AUTO DISPLAY AND PARKING. CONMAJ 2003-23 WAS HEARD BEFORE THE CONCURRENCY REVIEW COMMITTEE ON AUGUST 13, 2003 WHERE THE PROJECT RECEIVED APPROVAL FOR 36,000 SQUARE FEET OF SHOPPING CENTER SPACE TO BE DEVELOPED IN TWO PHASES CONSISTING OF 18,000 SQUARE FEET IN PHASE 1 (2003-2005) AND 18,000 SQUARE FEET IN PHASE 2 (2005-2007). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR AUGUST 19, 2003 MEETING WITH A 5-0 VOTE FOR APPROVAL

Proof of publication of Notice of Public Hearing on REZ 2003-13, Beck Mitsubishi was received, having been published in *The St. Augustine Record* on September 22, 2003.

Danielle Mayoros, Planner II, stated that the request sought to rezone approximately 6.83 acres located at 2940 U.S. 1 South from Commercial General (CG) to Commercial Intensive (CI) to allow for the use of up to a 30,000 square foot auto dealership with

associated auto display and parking. Staff had no objection to the approval of this rezoning. Jacalone asked if the property was currently being cleared.

(2:26 p.m.) Karen Taylor, 3070 Harbor Drive, replied that the property was not being cleared. She reviewed the site, utilizing a site map, Exhibit A. She stated that there was no access to the dealership from Shore Drive and that they did not use a PA system. Adjacent Property Owner Notices were handed in, Exhibit B. (2:29 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2003-80.**

ORDINANCE NO. 2003-80

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF COMMERCIAL
GENERAL (CG) TO COMMERCIAL INTENSIVE (CI);
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING AN EFFECTIVE
DATE**

(10/07/03 - 16 - 2:30 p.m.)

14. PUBLIC HEARING - PLNADMAPL 2003-02 ROBINSON APPEAL - THIS APPEAL SEEKS TO OVERTURN AN ADMINISTRATIVE DECISION OF THE COUNTY ADMINISTRATOR (PLANNING DIRECTOR AS HIS DESIGNEE) IN ACCORDANCE WITH SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE. THE SUBJECT OF THIS APPEAL INVOLVES A PREVIOUSLY APPROVED APPEAL OF A DECISION OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD. THE SUBJECT PROPERTY IS LOCATED AT 890 PONTE VEDRA BOULEVARD (WEST SIDE OF PONTE VEDRA BOULEVARD) IN THE R-1-B ZONING DISTRICT AND HAS A FUTURE LAND USE CATEGORY OF RESIDENTIAL B COASTAL AS DESIGNATED BY THE 2015 COMPREHENSIVE PLAN

Proof of publication of Notice of Public Hearing on PLNADMAPL 2003-02, Robinson Appeal was received, having been published in *The St. Augustine Record* on September 22, 2003.

Mayoros stated that this was an appeal that sought to overturn an administrative decision of the County Administrator in accordance with Section 9.07.02 of the LDC. The applicant is asking for a waiver of filing fees. The applicant had not provided adequate justification for Staff to determine that the waiver request was in the County's best interest and served a public purpose. Discussion followed on setbacks.

(2:34 p.m.) George McClure, 170 Malaga Street, gave a brief review on the history of the purchase of the property and reviewed some exhibits, Exhibit A. (2:34 p.m.) Lopez left the meeting and Laura Barrow, Assistant County Attorney, entered the meeting. He stated that their objective was, was to ask that the variance be deemed not to have expired, because it was the intent of the Commission that it did not have the one year expiration date. Jacalone stated that it was not his intent, when they acted on this last time, for it to expire in one year. However, if that was a provision of the Code, how could that be addressed. Barrow stated that if the development or sale of the property did not occur in one year, they could request an extension, as long as they do it before it expired. Maguire spoke on Exhibit D on page 65, regarding filing before the first year was up. Bosanko stated that the BCC had the option to approve this variance and could grant an extension beyond one year. He stated that Staff could not find any evidence of

intent, in the first Order by the Board, to provide the extension. Discussion followed on the extension and how it was handled. Bosanko stated that upon appeal, if the prior Order was interpreted as including the extension, then he could write it up as the Board's decision on appeal, and it would be retroactive back to that time. Bosanko stated that the standard practice, unless directed otherwise, would expire after a certain period of time, usually one year. Barrow spoke on when the case came before the Board, a year ago. (2:51 p.m.) **Motion by Maguire, seconded by Jacalone, to confirm the intent of the original Order back in 2001 as to being the variance, with the intent to run with the land and to waive the one year requirement, and as a result, direct the Attorney's Office to do a corrective Order and to waive the pertinent fees as brought forth.**

(2:53 p.m.) John Brink, 895 Ponte Vedra Blvd., spoke on the setback issue and in opposition of the variance. He handed in petitions for the record, Exhibit B. McClure spoke on the variance. Brink spoke on the vote having been against moving the variance to 20 feet in 1999. **The motion carried 5/0.**

The meeting recessed at 3:00 p.m. and reconvened at 3:09 p.m.

(10/07/03 - 17 - 3:09 p.m.)

15. PUBLIC HEARING - REZ 2003-12 ST. AUGUSTINE POWER EQUIPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 3.25 ACRES LOCATED AT 4800 US 1 SOUTH FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) TO ALLOW THE DEVELOPMENT OF A SMALL ENGINE SALES AND REPAIR FACILITY AND SIMILAR BUSINESS ACTIVITIES FOR RETAIL/OFFICE SPACE WITH ASSOCIATED STORAGE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) FUTURE LAND USE DESIGNATION. A FINAL CERTIFICATE OF CONCURRENCY (FCOC), CONMAJ 2003-14 WAS APPROVED ON JUNE 25, 2003 FOR THE DEVELOPMENT OF 25,000 SF OF SHOPPING CENTER SPACE AS PHASE I OF THE MOST INTENSE POSSIBLE USE (48,680 SF SHOPPING CENTER). THE FCOC MEETS THE LDC REQUIREMENT THAT ALL REZONINGS HAVE CONCURRENCY RESERVED FOR AT LEAST 1/3 OF THE DEVELOPMENT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR AUGUST 21, 2003 MEETING WITH A VOTE OF 6-0

Proof of publication of Notice of Public Hearing on REZ 2003-12, St. Augustine Power Equipment was received, having been published in *The St. Augustine Record* on September 22, 2003.

Nicole Clayton, AICP, Planner III, stated that this request sought to rezone approximately 3.25 acres located at 4800 U.S. 1 South from Open Rural (OR) to Commercial Intensive (CI) to allow the development of a small engine sales and repair facility and similar business activities for retail/office space with associated storage. She stated that Staff had no objection to the approval of this application.

(3:11 p.m.) Karen Taylor, 3070 Harbor Drive, on behalf of the applicant, mentioned that the property came to a roadway that had not been opened, utilized a site plan map, and Exhibit A. (3:13 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to enact Ordinance No. 2003-81, known as REZ 2003-12 St. Augustine Power Equipment adopting findings of fact contained in our packet to support the motion.**

ORDINANCE NO. 2003-81

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF OPEN RURAL (OR) TO
COMMERCIAL INTENSIVE (CI); MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE

(10/07/03 - 18 - 3:14 p.m.)

16. PUBLIC HEARING - REZ 2003-10 POWELL HEATING AND AIR CONDITIONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.25 ACRES LOCATED AT 2610 DOBBS ROAD FROM COMMERCIAL INTENSIVE WITH CONDITIONS (CI WITH CONDITIONS) TO INDUSTRIAL WAREHOUSING (IW) TO ALLOW THE EXPANSION OF THE CURRENT USE AND BUILDING, POWELL HEATING AND AIR CONDITIONING. THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) FUTURE LAND USE DESIGNATION. A FINAL CERTIFICATE OF CONCURRENCY (CONMIN 2003-16) HAS BEEN APPROVED FOR 7,500 SF ADDITION TO THE EXISTING USE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR AUGUST 21, 2003 MEETING WITH A VOTE OF 6-0

Proof of publication of Notice of Public Hearing on REZ 2003-10, Powell Heating and Air Conditioning was received, having been published in *The St. Augustine Record* on September 22, 2003.

Clayton stated that this request sought to rezone approximately 1.25 acres located at 2610 Dobbs Road from Commercial Intensive with Conditions (CI with Conditions) to Industrial Warehouse (IW) to allow the expansion of the current use and building, Powell Heating and Air Conditioning. (3:14 p.m.) Barrow left the meeting and Isabelle Lopez, Senior Assistant County Attorney, entered the meeting. (3:15 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2003-82.**

ORDINANCE NO. 2003-82

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF COMMERCIAL
INTENSIVE (CI) WITH CONDITIONS TO INDUSTRIAL
WAREHOUSING (IW); MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING AN
EFFECTIVE DATE

(10/07/03 - 18 - 3:16 p.m.)

17. PUBLIC HEARING - TRANSMITTAL OF THE REVISED HABITAT CONSERVATION PLAN - THE REVISION ADDRESSES COMMENTS PROVIDED TO THE COUNTY FROM THE U.S. FISH AND WILDLIFE SERVICE ON THE FIRST DRAFT OF THE PLAN DATED OCTOBER 4, 2002. THE HABITAT CONSERVATION PLAN AREA INCLUDES THE BEACH SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE AND THE SPECIES INCLUDED IN THE PLAN ARE MARINE TURTLES AND ANASTASIA ISLAND BEACH MICE

Proof of publication of Notice of Public Hearing on Transmittal of the revised Habitat Conservation Plan was received, having been published in *The St. Augustine Record* on September 27, 2003.

Jan Brewer, Environmental Manager, stated that the Habitat Conservation Plan had been revised to include; changing the hours of beach driving during turtle nesting season, from May 1 to October 31; opening at 8:00 a.m. and closing at 8:00 p.m.; and, removing the Fort Matanzas beach area from both the Plan and the requested permit until the National Park Service has prepared their Park Management Plan for the Fort. Also, in the revised Plan, the County Staff had added a provision for commercial fishermen to be able to access the beach from 5:00 a.m. to 10:00 p.m. during turtle nesting season, as is currently authorized by the County's Beach Code. The Service had not yet had an opportunity to fully consider this provision. The Staff was requesting that the Board consider the revised Plan for transmittal to the Service. Bryant spoke on Benjamin's letter on documented hatchings. Brewer replied that there were two incident reports which contained six hatchings in the 2002 season. Meiszer questioned the letter dated January 15, 2003, from Benjamin Pete, regarding the County Staff developing a detailed plan and asked if this had been addressed in today's submittal. Brewer responded that it had not, and believed that it was premature to actually put that in the Habitat Conservation Plan. Meiszer spoke on not receiving the findings from the County. Brewer answered that it was included in today's submittal. Meiszer spoke on the findings regarding the incidental take caused by public driving. Brewer spoke on, who was authorizing beach driving in that area and at this point in time, they would not include Fort Matanzas area within the request for the permit and the Habitat Conservation Plan, due to the fact that Fort Matanzas was currently developing its own Management Plan. Maguire questioned the projected annual cost of the plan. Brewer referred to Dave Williams. (3:24 p.m.) Dave Williams, Aquatic Superintendent, replied that the cost of the plan depended upon a couple of items, primarily enforcement issue. He stated that they listed some options and some preferred methods, and that the range was in the low end, about \$222,000 a year to about \$300,000 a year to implement this plan, with this being the first year. Brewer stated that the hours for accessing the beach were 8:00 a.m. to 8:00 p.m. from May 1 to October 31, excluding the commercial fishing, which would maintain the hours of 5:00 a.m. to 10:00 p.m. When it was not nesting season, the gates would be open 24 hours. (3:26 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to transmit the Habitat Conservation Plan to U.S. Fish and Wildlife dated August 18, 2003.** (3:27 p.m.) Lopez left and Michael Hunt, Deputy County Attorney, entered the meeting.

(10/07/03 - 19 - 3:27 p.m.)

11A. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE DRUG COURT TREATMENT PROVIDER CONTRACT
(Originally Consent #5)

Mary Bratos, Deputy Court Administrator, stated that she wanted to start with the RFP Process and mentioned that she would like Joe Burch to speak on it. Joe Burch, Purchasing Manager, spoke on how the RFP process was handled. Bratos stated that the contract was with EPIC, Gateway, and St. Johns. Maguire questioned who was in charge when there are three organizations handling it. Bratos replied that Epic is the lead organization. She stated that the Drug Court was operated by a team and the team consisted of the Judge and the Local Drug Court Coordinator, Ralph Cumberbatch. She stated the problems would start with Ralph and the team would address the issues. Burch commented that the funding was granted to the Board of County Commissioners. He stated that it was a draw down grant. Bratos stated that she submitted a quarterly report to the Federal Government that represented all their expenses and then the Finance Department did a draw down, quarterly, based upon

that report. She described the different agencies and what they do. Discussion followed on who paid for transportation for all the people; program duties; who paid for the background checks; doing community service in lieu of paying cash; and being taken into treatment within 24 hours. Maguire questioned who actually developed the plan. Cumberbatch replied that it was the responsibility of Epic. Maguire mentioned that there is a charge of \$160 for each bed and asked where the beds were located and who the money was paid to. Cumberbatch replied that the beds were located at Gateway and Bratos replied that the money was paid to Gateway. Hunt mentioned that this contract was crafted last year, and came back as a three party contract. When there was a multiparty contract as part of an overall process, there would be a type of concern and strategy to do, to get all the players involved. (3:39 p.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to authorize the County Administrator to execute the Drug Court Treatment Provider Contract.**

(10/07/03 - 20 - 3:40 p.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report.

(3:40 p.m.)
Commissioner Maguire:

No report.

(3:40 p.m.)
Commissioner Stern:

Stern said thank you for the chairs.

(3:40 p.m.) Stern spoke on the Proclamation that was done earlier regarding Domestic Violence Awareness Month and reminded everyone that October was also Breast Cancer Awareness Month.

(3:41 p.m.) Stern mentioned that when the County looks at changing the wording in the Code, to make sure they address side setback language.

(3: 41 p.m.) Stern mentioned that the joint meeting between the School Board and the BCC has been scheduled on October 22 and requested that the Guana site for a school be addressed.

(3:42 p.m.)
Commissioner Jacalone:

No report.

(3:42 p.m.)
Commissioner Bryant:

Bryant mentioned that the County Commissioner from Pope County, Commissioner Charles died a few days ago at the age of 54.

(3:43 p.m.) Bryant mentioned getting the clarification of accessory structure by Staff.

(10/07/03 - 21 - 3:44 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams addressed a letter from Bud Markel regarding the Board of Directors of Eagle Creek of St. Augustine Home Owner's Association, Inc. declining, by majority vote, to enter into the license agreement for the Eagle Creek Subdivision.

(3:45 p.m.) Bryant mentioned there being an issue concerning a restaurant on A1A South regarding potential code violations. He spoke on the parking issue of the car's bumpers, sticking over the pavement, when they park.

(10/07/03 - 21 - 3:46 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko reported that his office had completed drafting the complaint to file a lawsuit against the City of St. Augustine regarding the CRA that passed.

(10/07/03 - 21 - 3:47 p.m.)
CLERK OF COURT'S REPORT

No report.

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 3:47 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check #340447 through #340776 totaling \$2,648,845.89 (09/23/03)
2. St. Johns County Board of County Commissioners Check Register, Check #340777 through #340796 totaling \$43,361.27 (10/02/03)
3. St. Johns County Board of County Commissioners Check Register, Check #340797 through #340799 totaling \$817.27 (10/02/03)

CORRESPONDENCE:

1. Letter dated September 23, 2003 to Liz Cloud, Chief, Bureau of Administrative Code regarding filing St. Johns County Ordinance Numbers 2003-76 through 2003-78
2. Letter dated September 25, 2003 to Liz Cloud, Chief, Bureau of Administrative Code regarding filing St. Johns County Ordinance Number 2003-79

Approved October 21, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Luanne King
Deputy Clerk