

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 23, 2003
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: Karen Stern, District 2, Chair
 Bruce Maguire, District 4, Vice Chair
 Nicholas Meiszer, District 1
 Marc Jacalone, District 3
 David Halstead, Assistant County Administrator
 Isabelle C. Lopez, Senior Assistant County Attorney
 Cecelia Aldrich, Deputy Clerk

Also present: Daniel Bosanko, County Attorney
 Allen MacDonald, Finance Director, Clerk of Courts
 Joe Burch, Purchasing Manager

Absent: James E. Bryant, District 5

(12/23/03 - 1 - 9:03 a.m.)

The meeting was called to order by Chair Stern.

(12/23/03 - 1 - 9:04 a.m.)

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

(12/23/03 - 1 - 9:04 a.m.)

ROLL CALL

Stern stated that all Commissioners were present, with the exception of Commissioner Bryant.

(12/23/03 - 1 - 9:05 a.m.)

PUBLIC COMMENT

There was none.

(12/23/03 - 1 - 9:05 a.m.)

DELETIONS TO CONSENT AGENDA

David Halstead, Assistant County Administrator, requested that Item #12 be pulled from the Consent Agenda and rescheduled to January 6, 2004.

(12/23/03 - 1 - 9:05 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Approval of Minutes:
11/25/03 – BCC Regular Meeting
3. Motion to amend the St. Johns County Administrative Code to include Section 406.8 Fire Rescue Paramedic Program Reimbursement
4. Motion to transfer \$16,500.00 from 1190-59935 (Building Services - R & R Fund) and \$16,500.00 from 1190-59920 (Building Services - Reserve) to 1190-56400 (Building Services - Equipment) for the acquisition of two vehicles
5. Motion to approve the transfer from Court Facilities Trust Fund Reserve (1301-59920) \$9,000 to Court Facilities Trust Fund Building Improvements (1301-56300) to allow the courtroom renovations at the Judicial Center
6. Motion to adopt **Resolution No. 2003-252**, recognizing unanticipated grant revenue in the amount of \$26,947.23 from the Justice Administrative Commission and appropriating it to 0023-53142-1008-53142 (Circuit Court - Court Appointed Attorneys) to be used for court-appointed attorneys in dependency cases

RESOLUTION NO. 2003-252

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 GENERAL REVENUE AND EXPENDITURE BUDGETS TO RECOGNIZE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE THROUGH ITS CIRCUIT COURT DEPARTMENT

7. Motion to adopt **Resolution No. 2003-253**, approving a final Plat for Canterra

RESOLUTION NO. 2003-253

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

8. Motion to adopt **Resolution No. 2003-254**, approving a final Plat for Promenade Pointe

RESOLUTION NO. 2003-254

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

9. Motion to approve the 2004 Holiday Schedule
10. Motion to approve the second addendum to the Water and Wastewater Utility Services Agreement between JEA and St. Johns County, dated April 13, 1999, increasing the total project cost from \$5,226,000 to \$5,986,978 and authorize the County Administrator to execute the appropriate documents

11. Motion to approve the Memorandum of Agreement between the Board of County Commissioners and the Healthy Family St. Johns

(Item #12 was pulled and rescheduled to January 6, 2004.)

12. Motion to approve and authorize the Chairperson to sign Amendment 1 to the State Revolving Fund Loan Agreement for the Ponte Vedra Vacuum Sewer Project
13. Motion to authorize the County Administrator, or his designee, to purchase one (1) 2 ½ Yard Wheel Loader from the lowest responsive bidder, Ring Power Corporation, in the amount of \$133,884.00 *(Attachment A)*
14. Motion to allow the County Administrator, or his designee, to negotiate with and enter into contracts with the No. 1 ranked Firms: Mittauer & Associates/Jordon & Associates, for the planning/application and grant administration services and Legacy Civil Engineers for the engineering services for the Community Development Block Grant (CDBG) Services. If an agreement cannot be reached with the No. 1 ranked firm, etc., authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until the agreements are reached *(Attachment B)*
15. Motion to allow the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, LA Consulting, Inc., for Professional Management Systems Support. If an agreement cannot be reached with the No. 1 ranked firm, etc., authorization is requested to terminate negotiations and begin negotiation with the next ranked firm, and continue until an agreement is reached *(Attachment C)*

(12/23/03 - 3 - 9:05 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(12/23/03 - 3 - 9:06 a.m.)

APPROVAL OF REGULAR AGENDA

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

(12/23/03 - 3 - 9:06 a.m.)

1. PUBLIC HEARING - PUD 2003-25, WORLD COMMERCE CENTER - THE TOTAL PROPERTY THE APPLICANT SEEKS TO REZONE TO PUD IS 951 ACRES, WHICH IS LOCATED AT 4485 SOUTH FRANCIS ROAD, AND CONSISTS OF BOTH THE RING POWER, AT WORLD COMMERCE CENTER PUD, AND/OR PROPERTIES WITHIN THE WORLD COMMERCE CENTER DRI. THE RESULTING PUD WOULD COMPRISE THE ENTIRE DRI PROPERTY. THE WORLD COMMERCE CENTER PUD PROPOSES THE DEVELOPMENT OF 1,156 RESIDENTIAL DWELLING UNITS, 1,000 HOTEL ROOMS, 908,800 SF OF RETAIL/SERVICE, 453,900 SF OF LIGHT INDUSTRIAL AND 2,171,488 SF OF OFFICE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) FUTURE LAND USE DESIGNATION. THE FINAL CERTIFICATE OF CONCURRENCY, CONMAJ 2003-09 MEETS THE REQUIREMENTS OF SECTION 11.00.01 REQUIRING CONCURRENCY APPROVAL FOR A MINIMUM OF 1/3 OF THE MAXIMUM



**ST. JOHNS COUNTY
BID TABULATION**

BID TITLE PURCHASE OF ONE (1) 2 1/2

YARD WHEEL LOADER

BID NUMBER BID NO. 04-22

OPENING DATE/TIME November 26, 2003 3:00 P.M.

POSTING TIME/DATE 11/26/2003 4:00 PM 12/03/2003 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

LEIGH DANIELS

TABULATED BY

SARAH BARNETT

VERIFIED BY

PAGE(S) 1

OF 1 PAGE(S)

BIDDERS	CASH PURCHASE PRICE	GUARANTEED MAXIMUM TOTAL COST TO COUNTY FOR REPAIRS	TOTAL BID PRICE	GUARANTEED BUY BACK PRICE	TOTAL COST TO COUNTY AFTER 5 YEAR BUY BACK	DELIVERY DATE	MAKE/MODEL
RING POWER CORPORATION	\$133,884.00	\$800.00	\$134,684.00	\$60,000.00	\$74,684.00	30-60 DAYS	CAT 1728G
TRESCA EQUIPMENT CO.	\$119,948.00	N/A	\$119,948.00	N/A	N/A	60 DAYS ARO	JCB 426HT TOOL CARRIER
MR. LIFT TRUCK, INC.	\$104,681.00	\$9,490.00	\$114,351.00	\$31,458.00	\$82,893.00	4 WEEKS	TEREX SLK H73SP
INDUSTRIAL TRACTOR COMPANY, INC.	\$120,395.00	\$5,000.00	\$125,395.00	\$50,565.00	\$74,830.00	45-60 DAYS	DEERE TC54H TOOL CARRIER
L. B. SMITH	\$96,483.00	\$1,000.00	\$97,483.00	\$36,725.00	\$60,758.00	90 DAYS	VOLVO L60E

BID AWARD DATE - _____

Attachment "A" Comment #13 12.23.03

**SUMMARY SHEET
FOR RANKING OF PROFESSIONALS**

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

DATE: December 4, 2003 @ 9 a.m.
PROJECT: RFP NO: 04-03, Community Development Block
Grant (CDBG) Services- ENGINEERING

FIRM	RATER	RATER	RATER	RATER	RATER	TOTAL	RANK	COMMENTS
	CRAWFORD	CONVEY	KRISTIANSEN					
Bessent Hammack & Ruckman	96	86	84			266	3	
CGS Consulting Engineers, Inc.	98	87	85			270	2	tie
Fred Fox Enterprises Inc.	-	-	-			-	-	
Legacy Civil Engineers	100	90	85			275	1	
Meridian Community Services Group	-	-	-			-	-	
Mittauer & Associates, Inc./Jordan & Associates	88	88	94			270	2	tie
MSSD Consulting Inc.	-	-	-			-	-	
Stone Joca & Mahoney, Inc.	96	83	81			260	4	
Summit Professional Services	85	79	90			254	5	
Wade-Trim/Covington & Assoc.	90	79	70			239	6	

APPROVED: PURCHASING MANAGER *[Signature]* DATE 12-11-03
DIRECTOR OF HOUSING *[Signature]* DATE 12-10-03

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 PAGES (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 PURCHASING DEPARTMENT.

Attachment "B" Consent # 14 *12.23.02*

SUMMARY SHEET
FOR RANKING OF PROFESSIONALS

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

DATE: December 11, 2003 @ 9 a.m.
PROJECT: RFP NO: 04-07, Professional Management Systems Support

FIRM	RATER	RATER	RATER	RATER	RATER	TOTAL	RANK	COMMENTS
	HURRELL	LOCKLEAR	FEKKE	OLIVER	SHERFIELD			
LA CONSULTING, INC.	92	99	84	82	91	448	1	
ADVANCED SOFTWARE INTEGRATION, INC.	60	65	14	24	14	177	11	
GLOBAL PTM, INC.	73	73	25	45	21	237	9	
PBS&J	91	84	33	66	45	319	4	
INFORMATION SYST. FL INC.	77	74	24	31	28	234	10	
MAXIMUS, INC.	89	94	63	67	62	375	2	
KAEGAN CORP.	90	78	43	55	44	310	5	
BLACK & VEATCH	87	80	42	57	31	297	6	
WILLIAMS CONSULTING INC.	86	84	53	49	22	294	7	
MSI	81	73	29	43	20	246	8	
ZHA	88	88	53	72	54	355	3	

APPROVED: PURCHASING MANAGER

DATE

Joe Buck
12-11-03

DIRECTOR OF PUBLIC WORKS

DATE

Joe Stevenson
12-11-03

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 PAGES (5)

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.

Attachment "C" Consent # 15 12.23.03

DEVELOPMENT ALLOWED BY THE PROPOSED REZONING. ACCESS WILL BE PROVIDED BY SOUTH FRANCIS ROAD, INTERNATIONAL GOLF PARKWAY, WORLD COMMERCE PARKWAY (A FUTURE LOOP ROAD TO BE DEVELOPED BY THE PROJECT) AND A PORTION OF THE NORTH/SOUTH ROADWAY/CR 2209. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY. UTILITIES WILL BE INSTALLED UNDERGROUND. THERE ARE NO KNOWN SIGNIFICANT NATURAL COMMUNITIES HABITAT OR LISTED SPECIES ON THIS SITE. THE PROJECT WILL BE DEVELOPED IN THREE (3) PHASES OVER FOURTEEN (14) YEARS. COMMENCEMENT SHALL BE DEFINED AS THE HORIZONTAL/VERTICAL DEVELOPMENT OF LAND AS APPROVED BY COUNTY PERMIT. COMPLETION SHALL BE DEFINED AS APPROVAL OF AS-BUILTS

Nicole Cubbedge, AICP, Planner III, noted that the Board was provided with a revised PUD text and map that resulted from the Planning and Zoning Agency meeting held the week before. Cubbedge stated that there was also a change from the County Attorney's office included. She reviewed the background information, as well as, the waivers being requested by the applicant. There were 15 numbered waivers, two of which were no longer needed due to recently adopted changes to the Land Development Code (LDC). The changes being requested related to: size and locations of various types of signage; on-street and shared parking; inclusion of the Development of Regional Impact (DRI) conversion table; sidewalk requirements; carryover of unused development rights from one phase to another; and distance requirement from establishments selling alcohol. Cubbedge reviewed the Planning Division's objection to the inclusion of the DRI conversion table within the Planned Unit Development (PUD).

(9:12 a.m.) Jacalone questioned Cubbedge about the conversion table. She explained that the difference related to minor versus major modifications. (9:13 a.m.) Maguire asked for an example of development rights transferring to another phase of a project. Cubbedge provided a couple of examples. (9:19 a.m.) Maguire asked about angled parking in relation to residential areas. Cubbedge responded that areas outside of residential could have angled parking, with requirements.

(9:23 a.m.) Cubbedge noted that one of the verbiage changes was from Lopez, County Attorney's Office. Cubbedge concluded that it was staff's opinion that the request complied with the Comprehensive Plan and that the Planning and Zoning Agency recommended approval. She said that there was one piece of correspondence that was neither for nor against the request, and that it addressed concerns about drainage.

(9:25 a.m.) Meiszer said that the impact to surrounding areas should be considered whenever development is being considered. He asked about the open space on South Francis Road. Cubbedge responded that the land use was residential and the Future Land Use Map designated it as Rural Silviculture and Open Rural. Cubbedge referred to the Master Development Plan and identified the surrounding property as Industrial and located the proposed Ring Power site. Meiszer commented that some of the waivers were simply cosmetic and he questioned the merits of the requests. He indicated that he saw no valid reason for the requested variances and asked specifically about the request for a reduction from 3,000 feet to 50 feet, from a liquor establishment.

(9:31 a.m.) Lopez stated that the Board had to hear the requests presented by the applicant and decide whether there was a rational basis for granting the waivers.

(9:32 a.m.) Jacalone reviewed the waivers, acknowledged the ones that he did not have a problem with, and identified the ones that he did not agree with. Cubbedge provided

clarification on the issues that were raised. Jacalone commented that the request to reduce the footage from 3,000 to 50 feet between buildings of alcohol establishments was a tremendous subversion to the code. Discussion followed on requested changes to the signage requirements, as well as, the difference between Way Finding and Private Directional signs. Cubbedge clarified that Private Directional signs are allowed at access drives, whereas Way Finding signs are monument, pedestal signs to assist pedestrians.

(9:43 a.m.) Maguire talked about the on-street parking and expressed concern about taking out sidewalks and walking capability. Cubbedge illustrated the layout of the proposed sidewalk and commented that the removal of the sidewalk in question would be on the Interstate 95 side of the site, only. Maguire asked about the drainage and referenced the letter from an adjoining property owner. Cubbedge said that the construction plans would not allow drainage from the proposed project site to another property. (9:48 a.m.) Jacalone asked about the concurrency certificate. Cubbedge stated that they had transportation pipelining through the DRI and concurrency for water, sewer, drainage, solid waste, mass transit, and recreation for Phases I and II. Jacalone asked about the requirement of 3,000 feet relating to alcohol establishments. (9:49 a.m.) Bosanko stated that the alcoholic beverage separation came about by Ordinance in the 1980's and that the theory behind it was to prevent having too many people drinking in one location. He noted that there was also an opposite, or conflicting theory, which was to locate them all together. Bosanko cited a law case that happened in South Florida regarding the issue of strict separation, and the court struck it down. He suggested that the Board would need to have a strong case if it was challenged. Bosanko commented that all of the waivers are waivers to laws that apply to all citizens and stressed the importance of consistency.

(9:54 a.m.) Meiszer talked about sidewalks being designed as parts of a system. He asked about the area proposed to be without sidewalk. He indicated that he was not opposing the development, and if it were split into two issues, he would be willing to vote for the PUD, but against the variances. (9:56 a.m.) Jacalone requested clarification on the alcoholic beverage distance waiver. Cubbedge clarified the area of the development that would be affected. (9:57 a.m.) Rosemary Yeoman, Zoning Manager, said that there were exemptions, i.e., restaurants that had 150 seats and 2,500 square feet of space were exempt. She said the 3,000-foot separation requirement applied to bars, not restaurants.

(9:58 a.m.) Anthony Robbins, AICP, Planning Engineer for Prosser Hallock, Inc., was present to represent the applicant. He gave a brief synopsis of events. He addressed the drainage and reiterated that it was illegal to have water flow onto someone else's property and said that they had taken extra precautions to ensure that it would not happen. He outlined areas on South Francis Road and identified the various uses. Robbins referred to the planned 35-foot buffer around the perimeter of the property and noted that extra plantings would be used between industrial and residential areas. He commented that if there were no waivers at all, it would be a conventional zoning district. Robbins said the reason for applying for a PUD with relaxation of some of the Land Development Codes, was to create a site specific and unique project. In regard to concurrency, he reported that they would come in every two years with a transportation study to keep up with what actually went on. Robbins referred to the overhead map and showed that the only portion of the project that they were asking for no sidewalk, did not connect to any activity that would require, or allow, pedestrian travel, and that it was located along Interstate 95. He then talked about the distance requirement from alcohol establishments and explained the type of atmosphere that they were trying to accomplish. He referred to several other well-known developments as examples.

(10:07 a.m.) Jacalone commented that it was not St. Johns County's intent to have a PUD zoning classification established so waivers could be requested to the Land Development Code. Discussion followed on the signage and Robbins explained the rationale for the requested changes. (10:13 a.m.) Meiszer acknowledged that Robbins made a persuasive argument for the signs, but that it was generic and would apply to any development in the same situation. Robbins argued that the project was interrelated and had both pedestrian ways and roadways that were connected. (10:15 a.m.) Maguire commented that he did not think the sign on International Golf Parkway (IGP) needed to be as big as requested. Discussion followed on the increase in size of the display area of the entry feature. Maguire said he was in agreement with what was proposed by staff, except changing No. 3 from 150 to 100 ft.; No. 11 from 35 sq. ft. to 25 sq. ft.; and no change to No. 7. Maguire said he would be inclined to agree with changing the distance requirement regarding liquor establishments from 3,000 ft. to 200 or 300 ft. (10:20 a.m.) Stern agreed with giving something on the sign sizes, i.e., reducing the IGP and SR 16 sign sizes to 100 sq. ft. and reducing the Way Finding signs from 35 to 25 sq. ft. She stated that she was opposed to Waiver No. 7 and Waiver No. 10 and thought the developer could achieve the atmosphere they intended with the waivers that were being allowed. (10:21 a.m.) Jacalone asked Robbins about the area where a liquor establishment might be located. Robbins estimated the town center to be less than 100 acres, once the wetlands and buffers were taken out. There was discussion about how many liquor establishments would likely be in an area that size. Robbins noted that they did not have a tenant as yet, but they wanted to have some flexibility with their options. Discussion followed regarding the entry feature sign. (10:25 a.m.) Meiszer commented that an architectural feature was not a sign. He said the alcoholic beverage issue was moot, as staff reported it did not apply to restaurants, and most establishments that sold alcohol, also sold food. (10:29 a.m.) Maguire said he did not believe in having two liquor stores in that location but would support a change down to a couple of hundred feet. He said he thought the entry feature, if not a sign, should be taken out. (10:31 a.m.) Yeoman clarified that the State Statute provided definition for what qualified as a restaurant. She explained that staff asked for the entry feature to be placed in the sign section because entry features were within the sign section of the Land Development Code. She added that there was some misconception regarding the display or logo portion of the entry feature. Yeoman said the limitation of 100 sq. ft. specifically applied to the logo, or advertising, portion only, but the entry feature had to meet the height requirement of 35 feet. (10:34 a.m.) Jacalone confirmed that that waiver was no longer relevant. (10:35 a.m.) In response to questioning by Jacalone about the restaurant exemption, Yeoman reiterated that to qualify, the seating capacity had to be a minimum of 150 and a minimum of 2,500 sq. ft. of service area.

(10:35 a.m.) Robbins talked about the reason for the conversion table and circumstances that had transpired with regard to the Ring Power site. He noted that the process can be very time consuming and it would be preferable to have the opportunity to approach staff with minor adjustments as any major changes would still require going before the Board.

(10:39 a.m.) Bosanko disagreed with statements made by Robbins and commented that the project was not shown to be different from any other 1,000-acre project. Bosanko said he also disagreed legally, if Robbins was saying that the County could not turn it down. He said there was a procedure and review process under County law for approvals and that the DRI does not allow exemption from the procedures. Bosanko said there had to be a rational reason why other 1,000-acre commercial subdivisions should not have to comply. He said the remedy would be to change the procedure for large commercial developments in the Land Development Code.

(10:42 a.m.) Robbins responded that the project was different from nearly all other PUDs. He argued that if it matched the mathematics that was involved with the conversion table, there was flexibility to convert land uses within the project with due process. He said there was no credence to deny the conversion itself. Bosanko challenged him regarding the legality of his statements. Robbins said he did not see harm in the public's interest.

(10:45 a.m.) Stern called a recess and the meeting reconvened at 10:56 a.m.

(10:56 a.m.) Cubbedge pointed out that the applicant was also asking for an increase in the height of the entry sign from 15 to 35 feet.

(10:57 a.m.) **Motion by Jacalone, seconded by Maguire, to enact Ordinance No. 2003-108, known as PUD 2003-25 World Commerce Center, adopting Findings of Fact to support the motion, the Findings contained in the package numbered one through seven, including the requested waivers: [No. 1 goes away, it is no longer needed; No. 2; No. 3 being modified to a maximum signage square footage of 300 sq. ft. fronting on Interstate 95 and 100 sq. ft. on the signs fronting International Golf Parkway and Highway 16; approving Waiver No. 4; approving Waiver No. 5; [No. 6 goes away because the code has changed]; not allowing requested Waiver No. 7; agreeing to Waiver request No. 8; No. 9; not agreeing to Waiver request No. 10; agreeing to Waiver request No. 11, and modifying it to a maximum of 25 sq. ft. [per Commissioner Maguire's recommendation]; agreeing to Waiver request No. 12; No. 13; agreeing to Waiver request No. 14, only in respect to the height allowed to be 35 feet, still have to comply with 100 feet of sign logo/face area; agreeing to Waiver request No. 15. (11:00 a.m.) Cubbedge requested that the changes to the text, as presented in the meeting, be included. Jacalone included those changes that were mentioned by Ms. Cubbedge.** Jacalone stated that the process in place in the Land Development Code that the waiver was being requested from, was not a process elimination that should be addressed during this rezoning application request. Jacalone said he thought the Board should address it later and that a different vehicle should be used. He said it also applied to Waiver request No. 10. Stern said she echoed his comments on Waivers No. 7 and 10. (11:02 a.m.) **The Motion carried 3/1, with Meiszer dissenting, and Bryant absent.**

ORDINANCE NO. 2003-108

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

(11:02 a.m.) Lopez left and Bosanko presided at the meeting.

(12/23/03 - 7 - 11:02 a.m.)

2. CONSIDER A MOTION TO ADOPT A RESOLUTION SETTING THE TRAVEL AND PER DIEM EXPENSE REIMBURSEMENTS FOR ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

David E. Halstead, Assistant County Administrator, explained that the Resolution was to change the travel and per diem reimbursements.

(11:03 a.m.) Stern expressed her pleasure that the change would assist employees when they must travel. Meiszer asked about Class "C" travel. Halstead explained that it was an overnight stay.

(11:04 a.m.) **Motion by Meiszer, seconded by Jacalone, carried 4/0, with Bryant absent, to approve Resolution No. 2003-255, setting the Travel and Per Diem Expense Reimbursement for the St. Johns County Board of County Commissioners, and presumably its employees.**

RESOLUTION NO. 2003-255

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING EMPLOYEE PER DIEM TRAVEL AND MILEAGE REIMBURSEMENT RATES AND PROVIDING AN EFFECTIVE DATE

(12/23/03 - 8 - 11:04 a.m.)

3. CONSIDER A MOTION TO APPROVE THE RECOMMENDATION THAT ST. JOHNS COUNTY BECOME RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF REGULATORY SIGNS ON THE ROADS OWNED AND OPERATED BY THE FERWCD AND ALLOCATING FUNDS FROM THE TTF RESERVE FOR 2004 MATERIALS EXPENSES

Joe Stephenson, Public Works Director, described the location of Flagler Estates and provided a brief history of the development. He gave the rationale for the County installing the regulatory signs within Flagler Estates. Stephenson reviewed the safety implications and noted that there was urgency with regard to the signage. He reviewed the entities with authority regarding Flagler Estates and recommended to the Board that the County immediately assume responsibility for the regulatory signs on the roads owned and maintained by the Flagler Estates Road and Water Control District (FERWCD). Stephenson reported that the cost for FY 2004 would be \$23,400 and would cover 269 new stop signs; 18 speed limit signs; and 67 replacement signs. He reviewed the purpose for each of the different sign types. Stephenson commented that an additional sign crew would be needed eventually. In addition to the regulatory signs, he explained that guide signs are not enforceable and are informational only. He said it was recommended that the FERWCD remained responsible for guide signs on the roads that they own. Stephenson said the Public Works Department would like to see a commitment from the FERWCD for the timely installation of those signs.

(11:18 a.m.) Jacalone indicated that he was in favor of installing the signage and commented that the County's basic obligation was public safety and it [the County] should pay for that. Jacalone acknowledged that there was money in the current year's budget to take care of the initial expense. (11:21 a.m.) Meiszer asked if the roads were public or private and Bosanko responded that they were public roads. Meiszer asked if CRA funds could be used to pay for the signs.

(11:22 a.m.) Joe Vonasek, Director of Management and Budget, said that CRA funds could be used, but those funds had been committed to other projects. (11:23 a.m.) Meiszer noted that there were three categories of signs and added that street signs and house numbers on public streets were the responsibility of local government. Meiszer talked about sparsely posted speed limit signs.

(11:26 a.m.) Stern agreed that the District should remain responsible for payment of the street signs and hoped that a reimbursement plan could be worked out. She said she

knew the District was not capable of payment at this time, but proposed that the money could be repaid over a period of time.

(11:28 a.m.) Gerald Durchholz, 10405 Baylor Avenue, Flagler Estates, President of the Supervisors, stated that they are a Special 298 District. He thanked staff for their help on these issues and explained that there was a seven-year plan to put in stop signs and street signs. He said he did not think there would be a problem with repayment. He reviewed some costly improvements that had been undertaken at Flagler Estates. Durchholz commented on the extreme growth they have experienced. He said they were prepared to offer in-kind service if the County would supply the materials.

(11:34 a.m.) Stern thanked Durchholz and acknowledged the need. (11:36 a.m.) Jacalone asked Durchholz if his board had discussed the issue of the cost of street signs. Durchholz responded in the affirmative, but said they could only budget for one year at a time. Jacalone suggested that, since it would not cost much more, the County install the tops of the signs, as well. He asked Durchholz to discuss the issue with his Board, and send a letter back to the County explaining the terms of repayment. Durchholz said they would take it up at their next meeting, on the 15th and get back to the Board. He noted that their Treasurer was currently in the hospital, so it might be February before they get back to the Board. Jacalone asked that Stephenson send an estimate to the Flagler Estates group for discussion at their meeting.

(11:40 a.m.) Meiszer asked what percentage of residents had house numbers displayed.

(11:41 a.m.) Jackie VanHorn, District Manager for Flagler Estates, responded that very few houses, or mailboxes, had identifying numbers. Meiszer asked them to make an effort to encourage homeowners to install house numbers for emergency purposes.

(11:45 a.m.) Maguire asked if this was a one-time thing and Stephenson asked for the Board's direction. Discussion followed on whether or not the existing signs would be replaced. Stephenson noted that some of the existing signs were hard to see and the new signs would be standard County signs.

(11:49 a.m.) **Motion by Jacalone, seconded by Meiszer, to approve the recommendation that St. Johns County become responsible for the installation and maintenance of regulatory signs on the roads owned and operated by the Flagler Estates Water Control District and to include street signs, along with those regulatory signs where appropriate and allocate those funds from the Transportation Trust Fund Reserve for 2004 materials and expenses, and to later address the reimbursement of the street signs by the [Flagler Estates] Road and Water Control District.** (11:49 a.m.) Bosanko recommended that the Board's vote should focus on future public safety issues and not on issues of past liability. Maguire asked if the vote was saying that the County is responsible, financially, from this day forward. Jacalone said the motion recognizes that the County is responsible for the installation and maintenance of regulatory signs, but it would be further addressed annually, during the budget process. Maguire said he agreed with the regulatory signs, but did not think the County should pay for the informational signs. Jacalone agreed, and said he was trying to avoid duplication of efforts. (11:51 a.m.) **The motion carried 4/0, with Bryant absent.**

(12/23/03 - 9 - 11:51 a.m.)

4. CONSIDER A MOTION TO ESTABLISH JANUARY 30, 2004 AT 09:00 AM AS THE DATE AND TIME FOR A BUDGET PRIORITIES WORKSHOP FOR THE BOARD OF COUNTY COMMISSIONER'S FY 2005 BUDGET AND TO ACCOMPLISH ALL ACTIONS NECESSARY TO FACILITATE HOLDING THE MEETING

Joe Vonasek, Management & Budget Director, explained that the budget item was for a recommended workshop to learn the Board's priorities.

(11:52 a.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to establish January 30, 2004 at 9:00 a.m. as the date and time for a Budget Priorities Workshop for the Board of County Commissioner's FY 2005 budget, and to accomplish all actions necessary to facilitate holding that meeting.**

(12/23/03 - 10 - 11:53 a.m.)

5. CONSIDER A MOTION TO DIRECT THE COUNTY ADMINISTRATOR TO PLACE AN ITEM FOR BCC CONSIDERATION ON AN AGENDA IN JANUARY 2004 FOR THE PURPOSE OF DIRECTING STAFF TO TAKE ALL NECESSARY STEPS TO IMPLEMENT NEW AND REVISED SOURCES OF REVENUE

Commissioner Bruce A. Maguire, reviewed that Jacalone had requested a special meeting to be held sometime in January, to discuss impact fees. He said this item was to schedule that meeting and coordinate it with the previously set meeting. Maguire commented on property values and the burden of taxes, on homeowners. He noted that Vonasek had been asked to review some different types of revenue sources for the Board's consideration.

(11:56 a.m.) Joe Vonasek, Director of Management and Budget, reported that there were three sources of funding available to the County: Constitutionally authorized sources, Home Rule Authority sources and legislatively authorized sources. Vonasek reviewed each source and provided specifics on the various sources, Exhibit A.

(12:06 p.m.) Meiszer said he hoped that there would be some new ideas presented at the January meeting. He referred to a couple of sources that were discussed in the past, but did not get very far, such as the real estate transfer tax. (12:08 p.m.) Jacalone asked about the local option infrastructure surtax. Vonasek said it was one of the local option taxes and it did not require legislative action, but would require a referendum. Jacalone noted that it could be introduced either by the County, or by ballot. He talked about revenue that could be derived from a one-cent infrastructure tax. (12:09 p.m.) Maguire noted that the Board members were all interested in reducing taxes. He said he thought there were opportunities to reduce the ad valorem tax by as much as 20% across the board, for a considerable savings to homeowners. (12:10 p.m.) Stern expressed appreciation that the first meeting for a budget priorities workshop had been set. She suggested that the meeting on January 20th would be a good opportunity to continue this discussion. (12:12 p.m.) Jacalone noted that it was a complex issue. He said there was a recent, tremendous bond issuance to cover capital projects that may have been funded by other means and now future Transportation Trust Fund money had been committed. Jacalone talked about the millage and all the taxing authorities that were part of the equation. He commented that this was the first year the millage had not been reduced, and had to be increased, to meet Fire Safety needs. Jacalone stated that the County General Fund millage made up about a third of the total millage that a homeowner pays. (12:15 p.m.) **Motion by Maguire, seconded by Jacalone, to direct the County Administrator to place an item for the Board of County Commissioner's consideration on its agenda for January 20, 2004, for the purpose of directing staff to take all necessary steps to implement new and revised sources of revenue.** (12:16 p.m.) Meiszer said he did not think staff could take steps to implement new sources of revenue. Bosanko understood the motion to say that if the Board was to direct staff to implement some new revenue source from the list described by Vonasek, that staff would do all the background work and bring back the necessary documents for

approval. Meiszer said they could not implement it, they could research it, report it, or various other things, but staff could not be authorized to implement a tax. **Maguire changed the motion to "research" new and revised sources of revenue, Jacalone accepted, carried 4/0, with Bryant absent.**

(12/23/03 - 11 - 12:18 p.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report.

Commissioner Maguire:

Maguire wished everyone happy holidays.

Commissioner Stern:

Stern wished everyone happy holidays. She reported that she had traveled to New York with several staff members and had met with representatives of Standard & Poor's and Moodys regarding the Bond Rating. She said unofficial results from the meeting were very good, the County's A+ rating was reaffirmed and the outlook was changed to positive. Stern noted that the County's office hours were advertised as being until noon on Christmas Eve day and that was incorrect, the offices would be open until 5:00 p.m. She reviewed the hours for the other Constitutional offices. Stern wished Commissioner Bryant good health.

(12:20 p.m.)
Commissioner Jacalone:

Jacalone asked staff to agenda the issue of small adjustments to PUDs and DRIs. He said another item that warranted discussion was the current regulation that required a 3,000-foot separation between establishments that serve alcohol.

(12/23/03 - 11 - 12:21 p.m.)
COUNTY ADMINISTRATOR'S REPORT

There was no report.

(12/23/03 - 11 - 12:21 p.m.)
COUNTY ATTORNEY'S REPORT

There was no report.
(12/23/03 - 11 - 12:21 p.m.)
CLERK OF COURT'S REPORT

There was no report.

(12:21 p.m.) **Motion by Jacalone; seconded by Maguire, carried 4/0, with Bryant absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 12:21 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check #344151 through #344152 totaling \$19,433.08 (12/12/03)
2. St. Johns County Board of County Commissioners Check Register, Check #344153 through #344477 totaling \$1,627,451.07 (12/16/03)
3. St. Johns County Board of County Commissioners Check Register, Check #344478 through #344479 totaling \$110,413.13 (12/18/03)

CORRESPONDENCE:

1. Letter dated December 19, 2003 to Liz Cloud, Chief, Bureau of Administrative Code, filing St. Johns County Ordinances Number 2003-105 through 2003-107.

Approved January 13, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Karen R. Stern
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk