AMENDED MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 6, 2004
(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
James E. Bryant, District 5
Ben W. Adams, Jr., County Administrator
Dan Bosanko, County Attorney
Robin Platt, Deputy Clerk

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

(01/06/04 – 1 – 9:06 a.m.)
Chair Stern called the meeting to order.

(01/06/04 – 1 – 9:06 a.m.)
Meiszer gave the Invocation and Bryant led the Pledge of Allegiance.

(01/06/04 – 1 – 9:07 a.m.)
ROLL CALL

Stern stated that all five Commissioners were present.

(01/06/04 – 1 – 9:07 a.m.)
PROCLAMATION DESIGNATING JANUARY 2004 AS JEWISH HISTORY MONTH

Stern read the Proclamation and presented it to Bob Beskind and Jerry and Rita Kass, who accepted the Proclamation and thanked the County for the recognition.

(01/06/04 – 1 – 9:13 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Stern, seconded by Jacalone, carried 5/0, to accept the Proclamation.

(01/06/04 – 1 – 9:13 a.m.)
PUBLIC COMMENT

Marty Miller, 29 Hildreth Dr., spoke against privatization of the beaches and on the right-of-way issue in Ponte Vedra Beach and affordable housing.

(9:17 a.m.) Emory King, 2761 Joe Ashton Rd., supported Miller's comments.

(01/06/04 – 1 – 9:18 a.m.)
DELETIONS TO CONSENT AGENDA

Adams requested that Item 6 be pulled.

(01/06/04 – 2 – 9:18 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Approval of Minutes:
   12/02/2003 – BCC Regular Meeting
   12/05/2003 – BCC Emergency Meeting
   12/09/2003 – BCC Regular Meeting
   12/16/2003 – BCC Regular Meeting

3. Motion to adopt **Resolution No. 2004-1**, recognizing unanticipated revenue in the amount of $326,900, and appropriating it to the General Fund for use in the County's Communications Department

RESOLUTION NO. 2004-1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY COMMUNICATIONS DEPARTMENT

4. Motion to allow the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, CKPR, for publicity and promotions support surrounding the 39th Super Bowl. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until an agreement is reached *(See Attachment A)*

5. Motion to allow the County Administrator, or his designee, to purchase one (1) fourteen cubic yard dump truck from the lowest bidder, Atlantic Truck Center, in the amount of $63,767, for the Road and Bridge Department *(See Attachment B)*

6. Motion to adopt a Resolution approving a final Plat for Stonehurst Plantation, Unit Two-A

(*This item was pulled from the Consent Agenda.*)

7. Proofs:
   a. Proof, Notice to Bidders, Bid No. 04-22
   b. Proof, Notice to Bidders, Bid No. 04-23
   c. Proof, Notice to Bidders, Bid No. 04-25
   d. Proof, Notice to Bidders, Bid No. 04-26
   e. Proof, Notice to Bidders, Bid No. 04-28
   f. Proof, Notice to Bidders, Bid No. 04-30
   g. Proof, Notice to Bidders, Bid No. 04-31
   h. Proof, Notice to Bidders, Bid No. 04-32

1/6/2004 - Consent 4 - Attachment A

SUMMARY SHEET
FOR RANKING OF PROFESSIONALS

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

DATE: December 18, 2003 @ 9 a.m.
PROJECT: RFP No. 04-08, Publicity and Promotions Support Surrounding the 39th Super Bowl

FIRM	RATER HASTINGS	RATER CARTER	RATER PETER	RATER WILLIAMSON	RATER O'DELL	TOTAL	RANK	COMMENTS
DEVELOPMENT COUNSELORS INTERNATIONAL	60	49	80	77	83.5	349.5	4	
GOLIN/HARRIS INTERNATIONAL	53	67	0	70	69	259	6	
OGILVY PUBLIC RELATIONS WORLDWIDE	53	51	60	86	85	335	5	
NANCY J. FRIEDMAN PUBLIC RELATIONS	93	86	60	72	75.5	386.5	2	
MAGENT COMMUNICATIONS	100	93	0	93	82	368	3	
CKPR	71	55	100	88	73.5	387.5	1	

APPROVED: PURCHASING MANAGER Joe Bunch **DATE** 12-19-03

DIRECTOR OF TOURIST DEVELOPMENT COUNCIL Glenn Hastings **DATE** Dec 17, 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 **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 THE PURCHASING DEPARTMENT.

ST. JOHNS COUNTY
BID TABULATION

BID TITLE	PURCHASE OF ONE (1) 2004 FOURTEEN CUBIC YARD DUMP TRUCK		
BID NUMBER	BID NO. 04-31		
OPENING DATE/TIME	December 3, 2003 3:00 P.M.		
	FROM	UNTIL	
POSTING TIME/DATE	12/03/2003 4:00 PM	12/08/2003 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	CHERYL ALBERTSON
VERIFIED BY	

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL PACKAGE BID PRICE	DELIVERY DATE	MAKE/MODEL			
FREIGHTLINER OF TAMPA LLC	$ 68,998.00	Up To 120 Days	Freightliner M2-106 MD			
HEINTZELMAN'S TRUCK CENTER	$ 70,726.00	90 Days ARO	Sterlings Acterra			
NEXTRAN TRUCK CENTER	$ 89,500.00	90-110 Days	Mack Aranite CV713			
ATLANTIC TRUCK CENTER	$ 63,767.00	90-120 Days	Sterling LT7500			
TOM NEHL TRUCK COMPANY	$ 71,284.00	120 Working Days	Freightliner Business Class M2			
ASBELL TRUCK CENTER	$ 72,411.00	02/28/2004	Sterling Acterra			
MAUDLIN INTERNATIONAL TRUCKS	$ 71,750.00	90-100 Days ARO	7400 SBA 6x4			

BID AWARD DATE - _____

1/6/2004 - Consent 5 - Attachment B

i. Proof, Notice to Bidders, Bid No. 04-33
j. Proof, Notice to Bidders, Bid No. 04-35
k. Proof, Notice to Bidders, Bid No. 04-37
l. Proof, Notice to Bidders, Bid No. 04-40
m. Proof, Request for Proposals, RFP No. 04-24
n. Proof, Request for Proposals, RFP No. 04-27
o. Proof, Public Notice, Proposed Operating Budget Fiscal Year 2003-2004 Board of County Commissioners, St. Johns County, Florida
p. Proof, Public Notice, Proposed Amendment Transmittal of the St. Johns County 2015 Comprehensive Plan
q. Proof, Notice of Special Meeting, St. Johns County Consideration/Possible Execution Bond Purchase Agreement, Wednesday, November 19, 2003, at 10:00 a.m.
r. Proof, Notice of Meeting, St. Johns County Value Adjustment Board, Monday, November 17, 2003, at 9:00 a.m.
s. Proof, Notice of Public Meeting, Ordinance No. 2002-54, Bartram Executive Park Planned Unit Development, Monday, December 1, 2003, at 6:00 p.m.
t. Proof, Notice of Special Meeting, Flagler College, Inc., Project Representatives, SJC Board of County Commissioners, Monday, December 15, 2003, at 10:00 a.m.
u. Proof, Notice of Public Hearing and Organizational Meeting, SJC Legislative Delegation, Local Bills and Election of Chair 2003-2004 Term, Friday, December 5, 2003, at 3:00 p.m.
v. Proof, Certificate of Liability, Century Ambulance Services, Inc.
w. Proof, Certificate of Liability, Southland Waste Systems of Jacksonville
x. Proof, Certificate of Liability, HAWKE
y. Proof, Certificate of Liability, Bradley Surveying & Mapping, Inc.
z. Proof, Certificate of Liability, Post, Buckley, Schuh & Jernigan, Inc.

(01/06/04 – 3– 9:18 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(01/06/04 – 3 – 9:19 a.m.)
APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Maguire, carried 5/0, to approve the Regular Agenda.

(01/06/04 – 3 – 9:19 a.m.)
1. ST. AUGUSTINE AND ST. JOHNS COUNTY CHAMBER OF COMMERCE WILL BE PROVIDING A BRIEF COUNTY ECONOMIC DEVELOPMENT ACTIVITY REPORT. THIS REPORT WILL BE PROVIDED TO THE BOARD OF COUNTY COMMISSIONERS, AS A ROUTINE ITEM ON THE AGENDA, THE FIRST TUESDAY OF EACH QUARTER STARTING JANUARY 6, 2004. THIS IS AN EFFORT TO COMMUNICATE THE ECONOMIC STATUS IN ST. JOHNS COUNTY, AS SEEN BY THE CHAMBER OF COMMERCE

Kari Hall Keating, Director of Economic Development and Tourism, updated the Board on statistics relating to economic development, including: unemployment, job growth, the issuance of business licenses in the county and bed tax collection. She also reviewed the inventory of business sites, including "mega" sites, existing business development and business recruitment. Keating stated that they hosted a meeting with local and

regional business leaders to discuss the St. Johns County permitting process, as well as hosting other meetings. She discussed other accomplishments of the EDC, the Prospect Activity Report and the Super Bowl. Keating announced that Dioni & Menorca, an international company, had relocated to St. Johns County.

(9:33 a.m.) Maguire questioned if the EDC and the marketing plan was modeled after another in the state. Keating responded that it was not, but that it was based on membership input. Maguire stated that he would like to see the Chamber do a review of the County's permitting procedures for new businesses, in an effort to improve the way the government operates. He also commented on the County's financial contributions to the EDC and discussion followed on the economic development plan for the airport, the Industrial Development Authority and trend development.

(9:39 a.m.) Jacalone suggested that Keating inform the County on how it was falling short with procedures for fee paying and permitting, since she worked closely with the affected businesses. He also questioned how the possible raising of Impact Fees would affect Economic Development. Keating stated that the EDC would very much like to be a part of the discussions on Impact Fees.

(9:42 a.m.) Bryant pointed out that the County already had a program in place for expediting permitting.

(9:42 a.m.) Meiszer commented that not everyone was in favor of airport expansion and that the residents of the county, and the neighbors of the airport, should be considered in any expansion plans.

(9:45 a.m.) Stern thanked Keating for the presentation and stated that the next EDC report was scheduled for April 6th.

(01/06/04 – 4 – 9:47 a.m.)

2. CONSIDER PRIORITY OF ORDERS AND UNDERWRITER ALLOCATIONS FOR THE PROPOSED WATER AND SEWER REVENUE BOND ISSUE SERIES 2004

Dan Bosanko, County Attorney, presented the details of this item, and stated that the Board needed to decide how to allocate the bonds in this issue. He explained the proposed motions on the Agenda Coversheet.

(9:53 a.m.) Meiszer asked the representative from PFM to clarify the distinction in retail sales and "wholesale," or institutional sales. He also stated that he had been contacted by some residents of the county who were interested in purchasing the bonds, and have been unsuccessful in doing so.

(9:54 a.m.) David Miller, PFM, stated that in his memorandum he recommended that there be a priority set for retail sales, which would allow for sales to individuals first. Discussion followed on sales ratios, with Miller explaining that full credit on retail sales would go to the underwriter who placed the order. He stated that institutional orders were typically allocated by percentage.

(9:56 a.m.) Jacalone asked Miller to explain the underwriter percentage designations relating to the underwriting allocations in his memorandum. Miller explained that the institutional investor who placed the order could designate which firm got the credit for the order.

(9:58 a.m.) Bryant commented that with recent bond issues the County had accomplished getting a reduction in the underwriter fees. He stated that he thought that Miller, and PFM, had been remiss in not helping to reduce the fees over the previous years. He also questioned who was getting credit for sales in past bond issues.

(10:00 a.m.) Miller stated that he had only worked on St. Johns County for a few years, but that he would look back over past issues and investigate the fees and take-downs. He addressed how costs related to the size of the issue and retail priorities, with discussion following on how the type of orders/sales was determined. Miller, responding to questions by Maguire, also explained how the underwriting fees were negotiated and how the interest rate affected the cost of the issue.

(10:08 a.m.) Meiszer stated that the fair thing to do would be to base the fees and commissions on the number of bonds sold by each firm and Miller agreed.

(10:09 a.m.) Stern asked for clarification on some points and Miller elaborated on why co-managers were recommended, setting ordering priorities, how the ordering process worked and retail sales desks. Stern also questioned how the last bond issue was split. Miller explained that the group net was a 55/45 split, with no retail priority. Stern stated that she understood the split, but she wanted to know who sold what. Miller stated that Hough sold 80%, and Merchant Capital 20%.

(10:18 a.m.) Bosanko asked Miller to explain the risk of buying unsold bonds and Miller explained the risk and readdressed the split.

(10:23 a.m.) **Motion by Meiszer, seconded by Stern, that the Water and Sewer Revenue Bonds, Series 2004, be sold with Retail Orders as the first priority, and that the Institutional Investors shall be sold on the basis of a net designated order allocating to each underwriter the take-down income from only the bonds it sells, and allocating the risk of buying the bonds in the same proportion, which would be 70% for the managing underwriter and 30% for the co-managing underwriter.**

(10:25 a.m.) Meiszer explained Miller's, and PFM's, role in the issuance of the bonds.

(10:26 a.m.) John Mazyck, Merchant Capital, PO Box 589, Montgomery, Alabama, reviewed their involvement with past County bond issuances and requested the same split on this issue that they had on the transportation bond issue. Discussion followed on the retail bond sales and orders.

(10:35 a.m.) Bryant asked that the Board get a report after the bonds were sold showing all of the transactions that took place and who sold what. **The motion carried 5/0.**

The meeting recessed at 10:37 a.m., and resumed at 10:46 a.m.

(01/06/04 – 5 – 10:46 a.m.)

3. CONSIDER APPLYING THE COUNTY'S RESIGN TO RUN REQUIREMENTS TO ALL APPOINTEES TO COUNTY BOARDS AND AUTHORITIES

Commissioner Jacalone stated that Resolution 92-119 was the current legislation that regulated persons who were appointed members to County boards or authorities who wished to run for public office. The Resolution required such persons to resign from the board or authority. He explained that the State of Florida recently passed legislation requiring that a PZA member be appointed by the School Board. That legislation would make that member exempt from this requirement. He stated that he did not feel that that was fair and that the Ordinance needed to be amended.

(10:47 a.m.) Bryant asked Bosanko what the Florida Statutes required and Bosanko replied that he would have to research it to find out. He also stated that he drafted the Resolution, and the proposed Ordinance, to take state law into consideration.

(10:50 a.m.) Meiszer stated that he did not understand the purpose in requiring members of a board to resign to be a candidate. He stated that they should encourage people to participate in civic affairs, and then possibly run for office. He commented that he would consider doing away with the rule entirely.

(10:52 a.m.) Jacalone explained that there were situations in the past where persons would lobby to get onto Boards, and then use their position to gain support for a campaign, and that the rules should be applied evenly for all members of a board.

(10:55 a.m.) Maguire stated that he too did not understand why this rule was necessary, so he did some checking around and found out that there were cases of abuse of power and position that disrupted the activities and functions of the boards. Bryant pointed out that it would be ethically wrong for any Commissioner to use his or her seat for campaigning. Discussion followed on the State's resign to run rule.

(10:59 a.m.) Tom Manuel, 505 Becker Branch Place, Fruit Cove, stated that he agreed that the rules should apply to all on a same basis. He commented that he felt that the rule should be abolished because of the fact that the Board had the right to remove anyone, who they appointed to a board, who was abusing his or her position.

(11:02 a.m.) David Wiles, 8220 A1A South, addressed the differences between elected and appointed positions and school concurrency. He suggested doing away with the current rule and using oversight of the appointed boards and authorities to weed out the bad apples.

(11:06 a.m.) Stern stated that she supported the amendments to the Resolution and the Ordinance, as she felt they were both passed with good reason.

(11:07 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adopt Resolution 2004-2, amending Section 4 of Resolution 92-119.**

RESOLUTION NO. 2004-2

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING RESOLUTION 92-119

Motion by Jacalone, seconded by Maguire, carried 5/0, to direct that the proposed amendment to Ordinance 99-51, as amended by Ordinance 2002-43, be advertised for public hearing and enactment.

(01/06/04 – 6 – 11:08 a.m.)

4. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE BCC CHAIR TO SIGN AMENDMENT 1 TO THE STATE REVOLVING FUND LOAN AGREEMENT FOR THE PONTE VEDRA VACUUM SEWER PROJECT

John Schwab, Special Projects Manager, explained that the amendment would bring the total loan value to $5,075,490, with a fixed interest rate of 2.95% over 20 years, and a brief discussion followed.

Motion by Maguire, seconded by Meiszer, carried 5/0, to adopt Resolution No. 2004-3, approving and authorizing the BCC Chair to sign Amendment 1 to the State Revolving Fund Loan Agreement for the Ponte Vedra Vacuum Sewer Project

RESOLUTION NO. 2004-3

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF THE CLEAN WATER STATE REVOLVING FUND AMENDMENT 1 TO THE COUNTY'S LOAN AGREEMENT (WWG12082805) WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CONSTRUCTION OF THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT VACUUM SEWER PROJECT IN THE AMOUNT OF $4,825,490.00, AND AUTHORIZE THE USE OF PREPAID ASSESSMENT REVENUES FOR DIRECT PAYMENT TO JEA FOR CONSTRUCTION COSTS

(01/06/04 – 7 – 11:11 a.m.)

5. CONSIDER A MOTION TO EXECUTE THE AGREEMENT WITH FPL FOR GUARANTEED ENERGY PERFORMANCE SAVINGS AND MOTION TO EXECUTE THE GUARANTEED ENERGY SAVINGS AGREEMENT WITH FPL AND MOTION TO EXECUTE THE AGREEMENT WITH GE CAPITAL PUBLIC FINANCE, INC., TO FUND THE RETROFITTING PROJECT FOR THE CRIMINAL JUSTICE FACILITY

Joe Vonasek, Director of Management and Budget, stated that there were several issues with the documents for this item and he requested that it be moved to the end of the day.

Motion by Maguire, seconded by Jacalone, carried 5/0, to move this item to the end of the day, as Item 10A.

(01/06/04 – 7 – 11: 11 a.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer
Meiszer stated that a major controversy had developed regarding some property zoned Commercial-Intensive near the Eagle Creek subdivision. He reported that the resident's association was planning a neighborhood meeting on Friday at 7:00 p.m., and he stated that he was planning to attend that meeting. He asked the Board to condone his attendance of this meeting, although he was not proposing to represent the Board while at the meeting.
Meiszer also announced that there would be a hazardous waste clean-up this Saturday at Bartram Trail High School from 8:00 a.m. until noon. They would also be collecting old computer, electronic and communication equipment.

(11:16 a.m.)
Commissioner Maguire
Maguire asked Dr. Parker to speak on the Southern Passages Program.

Susan Parker, 48 King St., Florida Department of State, requested that a letter be written to President George Bush, supporting the Southern Passages Program and Preserve

America. She referenced a pamphlet and a draft letter that was given to the Board. She outlined the aim of the program, which focused on Heritage Tourism. Stern stated her support for the program. Maguire stated that the designation could be beneficial to some future grant applications.

(11:24 a.m.) **Motion by Maguire, seconded by Meiszer, to approve the letter as a joint letter from the County Commissioners, instead of an individual effort, to be signed by the Chairman.** Meiszer suggested that the letter be directed to someone in the Department of Interior or the National Park Service, as well as the President, and also our Senators and Congressman. Parker stated that other individuals were appointed to contact those other agencies. (11:27 a.m.) **The motion carried 5/0.**

(11:27 a.m.)
Commissioner Stern
Stern commented that she was pleased to hear that Meiszer would be attending the Eagle Creek meeting on Friday. She also commended Cathy Brown, COA Director, for the recent recognition they received regarding the Sunshine Bus Company.

Stern also offered condolences to the family of Lewis Sanks King and assured the residents of the West Augustine area that the Board was aware of the situation and were monitoring its status.

(11:30 a.m.)
Commissioner Jacalone
Jacalone referenced a letter from FDOT concerning the closing of beach access number 152. He asked for support in directing Administration to look into contacting FDOT to get the access reopened.

(11:31 a.m.)
Commissioner Bryant
Bryant commented on the Community Based Care Program and he read an e-mail congratulating the County Commission on being above 90% compliant with the program in regard to the photographing and identification of foster children.

(01/06/04 – 8 – 11:34 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams gave an update on the recycling containers and he handed out a flyer with the locations of the containers.

(01/06/04 – 8 – 11:36 a.m.)
CLERK OF COURT'S REPORT

Strickland gave an update on the Article V revisions, including filing fees for County Ordinances.

(01/06/04 – 8 – 11:37 a.m.)
COUNTY ATTORNEY'S REPORT

Bosanko reported that new litigation had been filed against the County regarding a Comprehensive Plan Amendment for the developer Nine Mile Gang. The DCA objected to the amendment and filed an administrative litigation. He asked for permission to notice a closed-door meeting on January 20, 2004. Bosanko also asked that the Board agree to mediate the dispute. (11:39 a.m.) Jacalone stated that the amendment was adopted after review by the DCA and questioned why they were objecting now.

(11:40 a.m.) Teresa Bishop, Planning Director, stated that it was her opinion at the time the policy was created for the property that it met with the DCA's objections report. She stated that the DCA's concerns related to need and transportation and discussion followed.

(11:42 a.m.) Bryant requested that the shade meeting be held at 8:00 a.m. and Bosanko concurred. Discussion followed on the DCA's comments, the parties to the case and who could attend the shade meeting.

The meeting recessed at 11:47 a.m. and reconvened at 1:30 p.m. with Stern, Maguire, Meiszer, Jacalone, Bryant, Adams, Deputy County Attorney Michael Hunt, and Deputy Clerk Yvonne King present.

(01/06/04 – 9 – 1:37 p.m.)

6. PUBLIC HEARING - PUBLIC HEARING REGARDING THE CLOSING AND ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY LOCATED ON COUNTY ROAD 203 (A/K/A PONTE VEDRA BOULEVARD) - ON OR ABOUT MARCH 1, 1930, BUCHMAN AND PRICHARD, INCORPORATED, DEEDED TO ST. JOHNS COUNTY, FLORIDA, A SIXTY-SIX (66) FOOT RIGHT-OF-WAY, IN ORDER TO CONSTRUCT STATE ROAD 78. AS A RESULT OF A NUMBER OF TRANSACTIONS, THE PONTE VEDRA CORPORATION IN 1934, AS OWNER OF A PORTION OF LANDS ADJACENT TO THE ABOVE-REFERENCED SIXTY-SIX (66) FOOT RIGHT-OF-WAY, BEGAN PLATTING LANDS ADJACENT TO THE PREVIOUSLY DEEDED SIXTY-SIX (66) FOOT RIGHT-OF-WAY. THE PONTE VEDRA CORPORATION'S PLATS PURPORTED TO DEDICATE TO THE COUNTY A ONE HUNDRED (100) FOOT RIGHT-OF-WAY ALONG CERTAIN SEGMENTS OF THE PREVIOUSLY DEEDED SIXTY-SIX (66) FOOT RIGHT-OF-WAY (A PART OF WHICH IS DEDICATED AS ATLANTIC COASTAL HIGHWAY—FLORIDA STATE ROAD 78), WHILE OTHER SEGMENTS REMAINED AT A SIXTY-SIX (66) FOOT RIGHT-OF-WAY. THERE REMAINS AN ISSUE AS TO WHETHER PONTE VEDRA CORPORATION'S DEDICATION SUCCESSFULLY CONVEYED TITLE TO THE COUNTY A ONE HUNDRED (100) FOOT RIGHT-OF-WAY ALONG THE SEGMENTS OF THE PREVIOUSLY DEEDED SIXTY-SIX (66) FOOT-RIGHT OF WAY ALONG A PORTION OF COUNTY ROAD 203, ALSO KNOWN AS, PONTE VEDRA BOULEVARD. IT APPEARS SINCE AT LEAST 1973, THE PROPERTY OWNERS ON THE WEST SIDE OF THE ABOVE-REFERENCED SEGMENTS OF COUNTY ROAD 203, ALSO KNOWN AS, PONTE VEDRA BOULEVARD, HAVE TREATED THE WESTERLY THIRTY-FOUR (34) FEET OF THE PURPORTED ONE HUNDRED (100) FOOT RIGHT-OF-WAY (WHICH LIES ADJACENT TO AND WESTERLY OF THE ORIGINAL SIXTY-SIX (66) FOOT RIGHT-OF-WAY) AS THEIR OWN. THE BOARD HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE CITIZENS OF ST. JOHNS COUNTY TO VACATE, CLOSE, AND/OR ABANDON THE ABOVE-REFERENCED WESTERLY THIRTY-FOUR (34) FEET OF THE ONE HUNDRED (100) FOOT RIGHT-OF-WAY LOCATED ON THE ABOVE-REFERENCED SEGMENTS OF COUNTY ROAD 203, ALSO KNOWN AS PONTE VEDRA BOULEVARD

Proof of publication of the notice of public hearing regarding the closing and abandoning of a certain portion of right-of-way on CR 203 (Ponte Vedra Boulevard) was published in *The St. Augustine Record* on December 20, 2003.

Hunt explained the requested closing and abandoning of a certain portion of right-of-way located on CR 203. Hunt offered several revisions to the proposed Resolution. Discussion followed regarding the County's ownership of the subject right-of-way and the uses for the easement.

(1:48 p.m.) Mary Kohnke, 29 S. Roscoe Blvd., commented in opposition to vacating the right-of-way.

(1:54 p.m.) Meiszer asked questions of Hunt, to which he responded, regarding how property was conveyed.

(1:58 p.m.) Mark Arnold, 512 Ponte Vedra Blvd., commented in favor of vacating the right-of-way.

(2:14 p.m.) Jim Walter, 1136 Compass Row, commented in opposition to vacating the right-of-way.

(2:21 p.m.) James Valente, 561 E. Silverthorn Lane, commented in opposition to vacating the right-of-way.

(2:25 p.m.) Doug Crane, 994 Ponte Vedra Blvd., commented in opposition to vacating the right-of-way.

(2:28 p.m.) Carl Blessing, 12 LaVista Drive, Ponte Vedra Beach, commented in favor of vacating the right-of-way.

(2:29 p.m.) Ebbie LeMaster, 135 Ponte Vedra Blvd., commented in favor of vacating the right-of-way closing.

(2:34 p.m.) Scott Shine, 4390 Richmond Park Drive E., Jacksonville, commented in opposition to vacating the right-of-way.

(2:37 p.m.) Tim Ellis, 332 Ponte Vedra Blvd., commented in favor of vacating the right-of-way.

(2:40 p.m.) Frances Smith, 1341 Roberts Road, commented in opposition to vacating the right-of-way.

(2:42 p.m.) Discussion ensued by the Board regarding the use of the property and the ownership of the property. (2:52 p.m.) **A motion by Maguire, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2004-4, providing for the closing and abandoning of a certain portion of right-of-way located on County Road 203 (also known as Ponte Vedra Boulevard).**

RESOLUTION NO. 2004-4

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA; PROVIDING FOR THE CLOSING AND ABANDONING OF A CERTAIN PORTION OF RIGHT-OF-WAY LOCATED ON COUNTY ROAD 203 (ALSO KNOWN AS PONTE VEDRA BOULEVARD) DESCRIBED HEREIN, SUBJECT TO A RESERVATION OF AN EASEMENT FOR PUBLIC UTILITIES, SUBSURFACE DRAINAGE, WATER, SEWER, ELECTRICITY, CABLE TELEVISION, AND

TELECOMMUNICATIONS; VESTING OF TITLE; PROVIDING FOR SEVERABILITY; PROVIDING AUTHORIZATION TO PUBLISH NOTICE AS REQUIRED BY STATE LAW; PROVIDING FOR THE PAYMENT OF RECORDING COSTS, IF ANY

The meeting recessed at 2:59 p.m. and reconvened at 3:09 p.m.

(01/06/04 – 11 – 3:09 p.m.)

7. PUBLIC HEARING – PNZVAR 2003-006 MACNAMARA RESIDENCE - THE APPLICANT SEEKS A NON-ZONING VARIANCE TO ELIMINATE THE 10 FOOT MINIMUM REQUIREMENT AND TO REDUCE THE TOTAL SQUARE FOOTAGE OF THE UPLAND BUFFER REQUIRED IN ARTICLE IV, OF THE LAND DEVELOPMENT CODE. CURRENTLY THE PROPERTY IS REQUIRED TO PROVIDE A 25 FOOT UPLAND BUFFER PER SECTION 4.01.02.E, LDC

Proof of publication of the notice of public hearing regarding PNZVAR 2003-006 (Macnamara Residence) was published in The *St. Augustine Record* on December 17, 2003.

Jan Brewer, Planning Division, Environmental Section, explained the non-zoning variance request. (3:14 p.m.) Discussion followed regarding the length and width of the upland buffer and the location of the driveway. (3:18 p.m.) **A motion by Bryant, seconded by Maguire, carried 5/0, to approve Planning Non-zoning Variance 2003-006, adopting Findings of Facts to support the motion**.

(01/06/04 – 11 – 3:18 p.m.)

8. PUBLIC HEARING – COMPAMD 2003-03, ST. AUGUSTINE CENTRE DRI - PUBLIC HEARING TO CONSIDER COMPAMD 2003-03, A PROPOSED TEXT AMENDMENT TO THE 2015 COMPREHENSIVE PLAN. THIS REQUEST IS TO AMEND OBJECTIVE H.1.6 TO ADD POLICY H.1.6.10 TO ALLOW THE ST. AUGUSTINE CENTRE DRI TO UTILIZE THE STANDARDS AND GUIDELINES SET FORTH IN FLORIDA STATUTE SECTION 163.3180(12) TO SATISFY TRANSPORTATION CONCURRENCY BY A PAYMENT OF PROPORTIONATE SHARE CONTRIBUTION (PIPELINING). THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT CONSTITUTES A TEXT AMENDMENT TO THE 2015 COMPREHENSIVE PLAN, AMENDING OBJECTIVE H.1.6 TO ADD POLICY H.1.6.10. THIS IS A DRI RELATED AMENDMENT AS ALLOWED BY FLORIDA STATUTE, SECTION 380.06(16). AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THIS APPLICATION WOULD ALLOW FOR REVIEW BY THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS. THE APPLICATION WOULD THEN BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE. THE ST. AUGUSTINE CENTRE DRI COMPRISES 315.3 ACRES AND IS LOCATED AT SR 16 AND BELZ OUTLET BLVD. THE PROJECT IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) OF THE 2015 FUTURE LAND USE MAP AND IS ZONED PUD

Proof of publication of the notice of public hearing regarding the St. Augustine Centre DRI was published in *The St. Augustine Record* on December 3, 2003.

Nicole Cubbedge, Planner III, explained the proposed amendment to the 2015 Comprehensive Plan. (3:28 p.m.) Discussion followed on the pipelining proposal and the widening of an approximately 0.58-mile segment of SR 16, from the west mall entrance westerly to the Whisper Ridge PUD driveway. (3:30 p.m.) Shawn Collins,

Transportation Concurrency, addressed the widening of portions of SR 16. (3:35 p.m.) Discussion followed regarding the sections of SR 16 this project was responsible for widening. (3:47 p.m.) John Bailey, local counsel for the developer, requested the Board approve the transmittal of the Comprehensive Plan Amendment to the DCA, and put the option to pipeline in the DRI. (3:49 p.m.) Bill Hartmann, 6500 Bowden Road, Suite 290, Jacksonville, gave a brief overview of the new traffic study. Discussion followed regarding pipelining and the segments of SR 16 that will be widened. (4:14 p.m.) **A motion by Jacalone, seconded by Stern, carried 5/0, to continue the public hearing to February 3, 2004, at 1:30 p.m**.

(01/06/04 – 12 – 4:14 p.m.)

9. PUBLIC HEARING – HERITAGE PARK CDD – THE HERITAGE PARK COMMUNITY DEVELOPMENT DISTRICT (CDD) IS PROPOSED FOR THE HERITAGE PARK PUD, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON JANUARY 18, 2000, PURSUANT TO ORDINANCE 2000-04. THE CDD COVERS APPROXIMATELY 392 ACRES OF LAND LOCATED WEST OF LEWIS SPEEDWAY ON THE SOUTH SIDE OF WOODLAWN ROAD AND NORTH OF S.R. 16 WEST OF ST. AUGUSTINE. THE CDD BOUNDARY IS COTERMINOUS WITH THE PUD BOUNDARY. THIS RESIDENTIAL PROJECT HAS BEEN APPROVED AND PLANNED FOR UP TO 774 RESIDENTIAL UNITS, OF WHICH UP TO 363 UNITS MAY BE MULTI-FAMILY AND 410 UNITS MAY BE SINGLE FAMILY. IN ADDITION, THERE WILL BE RECREATIONAL AMENITIES AND A CLUBHOUSE. THE PETITION PROPOSES THAT THE CDD PROVIDE THE FOLLOWING INFRASTRUCTURE IMPROVEMENTS WITHIN THE DISTRICT: INTERNAL ROADWAYS WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY ST. JOHNS COUNTY; WATER AND SEWER FACILITIES WHICH WILL BE FINANCED BY THE CDD AND OWNED AND MAINTAINED BY THE CITY OF ST. AUGUSTINE; RECREATIONAL FACILITIES WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; STORMWATER MANAGEMENT FACILITIES WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; LANDSCAPING AND IRRIGATION WHICH WILL BE FINANCED, OWNED AND MAINTAINED BY THE CDD; AND WETLAND AND WILDLIFE MITIGATION IMPROVEMENTS WHICH WILL BE FINANCED, OWNED, AND MAINTAINED BY THE CDD

Proof of publication of the notice of public hearing regarding Heritage Park CDD was published in *The St. Augustine Record* on November 21, 2003, November 28, 2003, December 5, 2003, and December 12, 2003.

Bruce Ford, Chief Planner, explained the proposed Heritage Park CDD; then, reviewed the six factors that the Board should consider in making a determination to grant or deny the petition to establish a CDD. Discussion followed concerning wetlands in the CDD, the minimum acreage for a CDD, and the mitigation plan.

(4:29 p.m.) Jonathan Johnson, 123 Calhoun Street, Tallahassee, addressed the wetlands issue.

(4:32 p.m.) James McCoy, 3700 34th Street, Orlando, addressed the wetlands on the property. Discussion followed regarding wetland mitigation and funding for fire prevention control, schools, mosquito control, waste collections and disposal.

(4:42 p.m.) Diane Mills, 3455 Lewis Speedway, commented in favor of the CDD.

(4:47 p.m.) Deputy Clerk Robin Platt entered the meeting and Deputy Clerk Yvonne King left the meeting.

(4:47 p.m.) Johnson addressed the payment of taxes by the CDD and the infrastructure package proposed for the PUD. Meiszer commented on the purpose of a CDD and the other alternatives that are used in paying for infrastructure and improvements. Bosanko commented that he agreed with Meiszer's assessment of the function of a CDD and emphasized that the statute only allowed the Board to consider six factors as to whether they approve or deny a CDD, which were indicated by Ford. Maguire stated that he would not support this petition with the mitigation. Johnson stated, after conferring with his client, that they were amenable to proceeding without the mitigation. Maguire requested that on future CDDs a cost per unit be submitted.

(5:01 p.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to enact Ordinance No. 2004-1, approving the petition for Heritage Park Community Development District, adopting Findings of Fact to support the motion, with the exclusion of the mitigation.**

ORDINANCE NO. 2004-1

AN ORDINANCE OF ST. JOHNS COUNTY, STATE OF FLORIDA; ESTABLISHING THE HERITAGE PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2003); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 5:01 p.m., and resumed at 5:07 p.m.

(01/06/04 – 13 – 5:07 p.m.)

10. PUBLIC HEARING – PUD 2003-26 MICKLERS LANDING PSD - THIS REQUEST SEEKS TO REZONE 5.033 ACRES FROM AN EXISTING PLANNED SPECIAL DEVELOPMENT (PSD) TO A PLANNED UNIT DEVELOPMENT (PUD) IN ORDER TO MODIFY THE PERMITTED USES OF THE DEVELOPMENT. THE EXISTING PSD ALLOWS UP TO FOUR BUILDINGS WITH UP TO 33,050 SQUARE FEET FOR RETAIL AND OFFICE USES. THREE OF THE FOUR BUILDINGS HAVE BEEN CONSTRUCTED. IN ADDITION TO THE USES CURRENTLY ALLOWED, NEW PERMITTED USES ALLOWED WOULD INCLUDE RESTAURANTS WITH DRIVE-THROUGHS, (RESTAURANTS WITHOUT DRIVE-THROUGHS ARE CURRENTLY ALLOWED), LAUNDRY OR DRY CLEANER WITH DRIVE-THROUGHS (LAUNDRY OR DRY CLEANER WITHOUT DRIVE-THROUGHS ARE CURRENTLY ALLOWED), BANKS AND FINANCIAL INSTITUTIONS WITH OR WITHOUT DRIVE-THROUGHS, A FREE STANDING ATM WITH A DRIVE- THROUGH, AND A BAR AND/OR PACKAGE STORE FOR ON OR OFF PREMISE CONSUMPTION. ALL OTHER PROVISIONS OF THE APPROVED PSD WOULD REMAIN IN EFFECT. THE MICKLERS LANDING PSD IS EXEMPT FROM CONCURRENCY FOR A 33,050 SQ. FT. OFFICE PARK WITH SUPPORT USES. THE PROPOSED MODIFICATION TO THE ALLOWABLE USES IS CONSISTENT WITH, AND PERMITTED BY, THE

"OFFICE PARK" DESIGNATION. THE PROJECT MUST MAINTAIN A MAJORITY OFFICE/PROFESSIONAL USE, WITH THE RETAIL-RESTAURANT USES BEING IN SUPPORT OF THE OFFICE USES, AS STATED IN THE PUD

Proof of publication of the Notice of Public Hearing regarding Micklers Landing PSD was published in *The St. Augustine Record* on December 17, 2003.

Bruce Ford, Chief Planner, presented the details of this item and outlined the new permitted uses that were being requested, including a restaurant with a drive-through, a laundry and dry cleaners, also with a drive-through, a bank, ATM or bar or package store. He stated that the PZA supported this request with a 7-0 vote at their December 4th meeting, and that no Adjacent Property Notices were received.

(5:10 p.m.) **Motion by Maguire, seconded by Bryant, to enact Ordinance 2004-2, known as PUD 2003-26, Micklers Landing PUD, adopting Findings of Fact to support the motion.** Discussion followed on why the property was exempt from concurrency and the DOT's plans for the intersection at Micklers and A1A.

(5:14 p.m.) Randall Whitfield, 13947 Beach Blvd., Jacksonville, stated that he did not have an exact timetable on the DOT's plans. Jacalone explained the planned traffic improvements. (5:15 p.m.) **The motion carried 5/0.**

ORDINANCE NO. 2004-2

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

(01/06/04 – 14 – 5:16 p.m.)

10A. CONSIDER A MOTION TO EXECUTE THE AGREEMENT WITH FPL FOR GUARANTEED ENERGY PERFORMANCE SAVINGS AND A MOTION TO EXECUTE THE GUARANTEED ENERGY SAVINGS AGREEMENT WITH FPL AND A MOTION TO EXECUTE THE AGREEMENT WITH GE CAPITAL PUBLIC FINANCE, INC., TO FUND THE RETROFITTING PROJECT FOR THE CRIMINAL JUSTICE FACILITY

Adams commented that this item needed to be pulled, as there were still problems with the documents. **Motion by Bryant, seconded by Jacalone, carried 5/0, to pull and reschedule Item 10A.**

(5:16 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, for adjournment.**

With there being no further business to come before the Board, the meeting adjourned at 5:16 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, approving check numbers 344480 through 344509, totaling $51,304.54 (12/23/03)

2. St. Johns Board of County Commissioners Check Register, approving check numbers 344510 through 344860, totaling $1,813,268.69 (12/23/03)

CORRESPONDENCE:

1. Letter from Commissioner Stern to Col. Robert Carpenter, U.S. Army Corps of Engineers, regarding the Hurricane and Storm Damage Reduction Study (11/19/03)
2. Letter to the Secretary of State filing Ordinance No. 2003-108 (12/29/03)

Approved: January 20, 2004
Amended: September 20, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

Bruce A Maguire, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk