

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JANUARY 27, 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:       Bruce Maguire, District 4, Vice-Chair  
                          Nicholas Meiszer, District 1  
                          James E. Bryant, District 5  
                          Ben W. Adams, Jr., County Administrator  
                          Michael Hunt, Deputy County Attorney  
                          Robin Platt, Deputy Clerk

Also present:        Jolie Tillis, Finance Department

(01/27/04 - 1 - 9:03 a.m.)

Vice Chair Maguire called the meeting to order.

(01/27/04 - 1 - 9:03 a.m.)

Maguire gave the Invocation and Meiszer led The Pledge of Allegiance.

(01/27/04 - 1 - 9:04 a.m.)

ROLL CALL

Commissioners Maguire, Meiszer and Bryant were present.

(01/27/04 - 1 - 9:04 a.m.)

PROCLAMATION DESIGNATING JANUARY 27, 2004, AS ROBERT PORTER DAY

Adams and Sheriff Neil Perry recognized Porter and recounted his accomplishments over his years of service. Adams read the Proclamation and presented it to Porter, and his wife Beverly, who accepted it and expressed his gratitude for the recognition.

(01/27/04 - 1 - 9:11 a.m.)

ACCEPTANCE OF PROCLAMATION

**Motion by Bryant, seconded by Meiszer, carried 3/0 with Stern and Jacalone absent, to adopt the Proclamation for Robert K. Porter.**

(01/27/04 - 1 - 9:11 a.m.)

PUBLIC COMMENT

Louise Thrower, 288 Orange Ave., addressed transportation and education in the northwest area of the county and presented Exhibits A through D, to support her comments. She spoke against the possibility of a new river crossing in the northwest area of the county and Bryant stated that he did not support a new river crossing.

(9:19 a.m.) Daniel McDonald, 24501 Deer Chase Dr., Ponte Vedra, commented on a study that he conducted on real estate transfer fees and illustrated his comments with a handout entitled Property Transfer Tax Proposal (4) (Exhibit E).

(01/27/04 - 2 - 9:25 a.m.)  
DELETIONS TO CONSENT AGENDA

Meiszer requested that Item 4 be added to the Regular Agenda as Item 4A. Hunt requested that Item 9 be pulled.

(01/27/04 - 2 - 9:26 a.m.)  
APPROVAL OF CONSENT AGENDA

**Motion by Bryant, seconded by Maguire, carried 3/0 with Stern and Jacalone absent, to approve the Consent Agenda, as amended.**

1. Approval of the Cash Requirement Report
2. Sheriff's Bonds:  
Approve:           Burton G. Bonjour   Patricia A. O'Connell  
Cancel:            Jodie M. Walker    Larry Richardson   Gerald Mitchell  
Name Change:     Pamela A. Davis to Pamela A. Lawson
3. Motion to adopt **Resolution No. 2004-18**, approving the terms and authorizing the execution of four Purchase and Sale Agreements for the purchase of Easements required for construction of Water/Sewer Transmission Mains, Phase 1, through the northerly parcels adjacent to Vermont Heights and the State Road 207 corridor

#### RESOLUTION NO. 2004-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF FOUR PURCHASE AND SALE AGREEMENTS FOR PURCHASE OF EASEMENTS REQUIRED FOR CONSTRUCTION OF WATER/SEWER TRANSMISSION MAINS PHASE 1 THROUGH THE NORTHERLY PARCELS ADJACENT TO VERMONT HEIGHTS AND THE STATE ROAD 207 CORRIDOR

4. Motion to authorize the County Administrator, or his designee, to purchase a new aerial ladder truck from Pierce Manufacturing in the amount of \$557,714 from the Lake County Contract 99-150 for the Fire Rescue Department

*This item was moved to the Regular Agenda as Item 4A.*

5. Motion to approve the transfer of \$1,350 from Elkton Drainage Fund Reserve (1235-59920) to Elkton Drainage Fund Other Maintenance (1235-54603) to pay for the additional maintenance to the Elkton Drainage Canal
6. Motion to approve the transfer of \$20,000 from Law Enforcement Trust Fund Reserve (1194-59920) to Law Enforcement Trust Fund Operating Supplies (1194-55200) to allow the purchase of equipment
7. Motion to adopt **Resolution No. 2004-19**, approving a Final Plat for St. Johns Golf & Country Club Unit Four, Phase Two-B

**RESOLUTION NO. 2004-19**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST. JOHNS GOLF & COUNTRY CLUB UNIT FOUR, PHASE TWO-B**

8. Motion to adopt **Resolution No. 2004-20**, approving a Final Plat for St. Johns Golf & Country Club Unit Four, Phase Three-B

**RESOLUTION NO. 2004-20**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST. JOHNS GOLF & COUNTRY CLUB UNIT FOUR, PHASE THREE-B**

Proof of publication for this item was received, having been published in *The St. Augustine Record* on January 15 and 22, 2004.

9. Motion to adopt a Resolution approving a Final Plat for Greenfield Replat

*This item was pulled from the Consent Agenda.*

10. Motion to adopt **Resolution No. 2004-21**, approving a Final Plat for Marshall Creek DRI Village Center Unit Two

**RESOLUTION NO. 2004-21**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI VILLAGE CENTER UNIT TWO**

11. Motion to adopt **Resolution No. 2004-22**, approving a Final Plat for Moses Creek Estates-Phase 2

**RESOLUTION NO. 2004-22**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MOSES CREEK ESTATES-PHASE 2**

12. Motion to adopt **Resolution No. 2004-23**, rescinding original Resolution 2003-196, reverting a road name from Lynhalla Lane to Trail Road

**RESOLUTION NO. 2004-23**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RESCINDING A ROAD NAME FROM LYNHALLA LANE TO TRIAL ROAD**

13. Proofs:  
a. Proof, Notice to Bidders, Bid No. 04-45

- b. Proof, Notice to Bidders, Bid No. 04-46
- c. Proof, Notice to Bidders, Bid No. 04-47
- d. Proof, Notice to Bidders, Bid No. 04-49
- e. Proof, Notice to Bidders, Bid No. 04-51
- f. Proof, Request for Proposals, RFP No. 04-48
- g. Proof, Request for Qualifications, RFQ No. 04-41
- h. Proof, Notice of Public Hearing, Petition to vacate CR 203, SR 78, aka Ponte Vedra Boulevard
- i. Proof, Notice of Public Meeting, Legal Aide Services, St. Johns County, Thursday, January 22, 2004 at 7:00p.m., Monday, January 26, 2004 at 9:00 a.m. and Wednesday, January 28, 2004 at 1:30 p.m.
- j. Proof, Notice of Intent, Senior Management Class, Florida Retirement System
- k. Proof, Certificate of Liability Insurance, Econosweep, Inc.
- l. Proof, Certificate of Liability Insurance, Vallencourt Construction Co.
- m. Proof, Certificate of Liability Insurance, Allied Waste Industries, Inc.

(01/27/04 - 4 - 9:26 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested that Item 1 be rescheduled to February 17th at 9 o'clock a.m. He also requested that an item concerning the CARF Agreement be added as Item 4B, and an item on renovations for the CBC Wing be added as Item 4C.

(01/27/04 - 4 - 9:28 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Bryant, seconded by Meiszer, carried 3/0 with Stern and Jacalone absent, to approve the Regular Agenda, as amended.**

1. PUBLIC HEARING - PUD 2003-21, SURFSIDE LODGE PLANNED UNIT DEVELOPMENT - THIS REQUEST WAS CONTINUED FROM THE JANUARY 13, 2004 BCC MEETING TO ALLOW THE APPLICANT TIME TO REVISE THE PUD MDP TEXT AND MAP REDUCING THE AMOUNT OF DEVELOPMENT ON THE SITE

*This item was pulled and rescheduled for February 17th at 9:00 a.m.*

(01/27/04 - 4 - 9:28 a.m.)

2. CONSIDER A MOTION TO GRANT FREE USE OF SPACE AT THE ST. JOHNS COUNTY CONVENTION CENTER TO THE SUPERVISOR OF ELECTIONS OFFICE TO USE AS A POLLING LOCATION FOR PRECINCT 110 FOR MARCH 9, 2004, AUGUST 31, 2004 AND NOVEMBER 2, 2004

Dena Masters, TDC Office Manager, presented the details of this item on behalf of the Supervisor of Elections Office. (9:30 a.m.) **Motion by Bryant, seconded by Meiszer, carried 3/0 with Stern and Jacalone absent, to grant free use of space at the St. Johns County Convention Center to the Supervisor of Elections Office to use as a polling location for Precinct 110 for March 9, 2004, August 31, 2004 and November 2, 2004.**

(01/27/04 - 4 - 9:30 a.m.)

3. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO APPROVE CHANGE ORDER #06 IN THE AMOUNT OF \$63,055.36, TO THE CONTRACT WITH V. J. USINA, INC., FOR THE RACETRACK ROAD IMPROVEMENTS PROJECT

Michael Rubin, Construction Manager, explained the changes in the Change Order, including a change in elevation and asphalt thickness. He stated that the major change though was for an equitable adjustment in the contract, as the contractor had accidentally omitted the cost of about \$80,000 worth of fill dirt. Rubin stated that making the adjustment would be the honorable thing to do, as the contractor was entitled to be paid for the fill dirt.

(9:33 a.m.) Meiszer stated that he disagreed with Rubin, as he could find no legal obligation to pay the additional charge. Hunt stated that the Board was under no legal obligation to grant the adjustment, but that the Board could if it chose. Bryant stated that he looked at this in a different light than Commissioner Meiszer and he supported making the adjustment, as Mr. Usina was a valuable member of the community.

**(9:40 a.m.) Motion by Bryant, seconded by Maguire, carried 2/1 with Stern and Jacalone absent and with Meiszer dissenting, to authorize the County Administrator, or his designee, to approve Change Order #6 in the amount of \$63,055.36, to the contract of V.J. Usina, Inc. for the Racetrack Road Improvements Project.**

(01/27/04 - 5 - 9:40 a.m.)

4. CONSIDER PROPOSED LIBRARY SITE OFFER AT ST. AUGUSTINE BEACH

Mary Jane Little, County Library Director, stated that they received an offer of a library site in St. Augustine Beach from Mr. Jay McGarvey. She requested that Staff study the feasibility of the offer, and subsequently make a recommendation to the Board.

(9:42 a.m.) Jay McGarvey, Ponte Vedra Beach, stated that the area of St. Augustine Beach would benefit from having a library at this site and that he was not looking for any compensation in conjunction with this offer. Bryant commented on a past conversation he had with McGarvey in which he vowed to one-day make a six-figure donation to the County.

(9:46 a.m.) Meiszer questioned what the \$100,000 contribution in McGarvey's proposal was for. McGarvey explained that it was to pay for the construction of parking, drainage, utilities and some of the landscaping. Meiszer stated that he was in favor of a library on the beach, but that all possible locations should be investigated and then the best site should be chosen. Discussion followed on other possible sites and financing for the construction, operation and staffing of a new library.

(9:54 a.m.) Bryant addressed the tax revenues that would be generated by Sea Colony and Sea Grove, the costs of the infrastructure for the new Southeast Branch Library and the lack of parking and costs of upkeep at some of the other sites suggested by Meiszer. McGarvey showed a rendering of the proposed development and discussion followed regarding parking and the taxable value of the development.

(10:04 a.m.) Maguire asked if there was a time limit on the offer. McGarvey explained that he would like to see construction of the library building commence prior to the end of this year, or FY 2005, but that it was still up for discussion. Discussion followed on the time frame of the project.

*(10:07 a.m.) Motion by Meiszer that the County Administrator be directed to evaluate the offer made by Mr. McGarvey, along with all other potential sites for the library and that it include a financing plan for both capital and operating funds. The motion failed for lack of a second.*

(10:08 a.m.) Harold Hines, 1541 Fruit Cove Woods Dr., Chairman of the SJC Library Advisory Board, stated that the Advisory Board received this offer as a favored possibility and he supported the pursuit of this proposal.

(10:10 a.m.) Frank Charles, Mayor of the City of St. Augustine Beach, supported McGarvey's offer and the placement of a library on Anastasia Island, but he was concerned with the suggestion of placing the library near the ocean.

(10:13 a.m.) Albert Holmberg, City of St. Augustine Beach Commissioner, addressed the lack of parking at the other sites that were suggested and he stressed not locating the library near the ocean.

(10:16 a.m.) Patricia Laurencelle, 23 Versaggi Dr., representing the St. Augustine Beach Civic Assoc., stated that the association reviewed the potential library sites on the island at their January 13th meeting, and decided to endorse the site Mr. McGarvey was proposing.

(10:20 a.m.) **Motion by Bryant, seconded by Maguire, carried 2/1 with Stern and Jacalone absent and Meiszer dissenting, to direct the County Administrator to provide recommendations as to the feasibility of the McGarvey offer, along with funding options for discussion and consideration by the Board.** Discussion followed regarding the timetable of the offer.

(01/27/04 - 6 - 10:23 a.m.)

4A. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO PURCHASE A NEW AERIAL LADDER TRUCK FROM PIERCE MANUFACTURING IN THE AMOUNT OF \$557,714 FROM THE LAKE COUNTY CONTRACT 99-150 FOR THE FIRE RESCUE DEPARTMENT

*Moved to the Regular Agenda from Item 4 on the Consent Agenda.*

Meiszer stated that he had questions about this item, specifically regarding the cost of the truck. He asked if the truck had been budgeted for in the current year's budget.

Joe Burch, County Purchasing Manager, explained that five pumper trucks had been budgeted, which had now been reduced to three in order to cover the purchase of this new aerial truck.

(10:25 a.m.) Robert Hall, Fire Chief, explained that the funding was in this year's budget, however their priorities had changed. He also explained why this truck was necessary and discussion followed. Meiszer stated that he had always supported the Fire Department, but that he did not support the method used for this purchase. Burch explained the details of the purchase and discussion followed.

(10:34 a.m.) **Motion by Bryant, seconded by Maguire, to authorize the County Administrator, or his designee, to purchase a new aerial ladder truck from Pierce Manufacturing in the amount of \$557,714 from the Lake County Contract 99-150.** Maguire commented on a letter that he received from Sunshine State Insurance Company regarding mutual aid agreements and their effect on insurance rates. (10:36 a.m.) **The motion carried 3/0, with Stern and Jacalone absent.**

The meeting recessed at 10:36 a.m. and reconvened at 10:44 a.m., with Tillis no longer in attendance.

(01/27/04 - 7 - 10:45 a.m.)

4B. CONSIDERATION OF THE INTENT TO SURVEY AND BUSINESS AGREEMENT WITH CARF

Maria Colavito, Mental Health Director, explained that it was very beneficial to have CARF accreditation and certification.

(10:47 a.m.) **Motion by Bryant, seconded by Maguire, to approve the Survey Agreement with CARF.** Discussion ensued regarding the time limitations of the agreement. (10:52 a.m.) **The motion carried 3/0, with Stern and Jacalone absent.**

(01/27/04 - 7 - 10:52 a.m.)

4C. DISCUSSION OF RENOVATIONS OF THE CBC WING AT THE HEALTH AND HUMAN SERVICES BUILDING

Commissioner Bryant explained that the Community Based Care staff needed to be moved into the Health and Human Services facility to be nearer to the Mental Health Department, which houses the CBC Program.

(10:54 a.m.) Sandy Sawhill, Community Based Care Program, commented on the size of their staff and the needed electrical and HVAC renovations. She explained that they did not have the funding in their budget from the State to cover the costs of the renovations. Bryant asked if there was any State source that could be accessed to recover the costs. She explained that their Contract Manager was looking into it.

(10:57 a.m.) Meiszer stated that \$50,000 seemed like a lot of money to renovate heating and air conditioning in a space of this size, and that there seemed to be some confusion regarding the actual costs of the renovations. He stated that the County should have first priority in using the space at the building, as it owns the building.

(11:02 a.m.) Gene Burns, Building Department, stated that the estimated costs were correct and he explained why the costs were such. Discussion followed on the design of the air handling system and on the number of persons who would occupy the space.

(11:08 a.m.) **Motion by Bryant, seconded by Maguire, carried 3/0 with Stern and Jacalone absent, to transfer \$49,797.79 from the General Fund Reserve to the Flagler West Building Improvement Fund (0093-56300) to cover HVAC and electrical renovations necessary in the newly acquired office space at the Health and Human Services Building for the Community Based Care Program.**

(01/27/04 - 7 - 11:09 a.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant

Bryant commented on meetings that he had with HNTB and HDR, regarding the consultant's studies on a new river crossing in the northwest area of the County.

(11:11 a.m.)

Commissioner Meiszer

Meiszer commented on the possibility of pursuing a real estate transfer tax. He stated that if the County truly wanted to pursue it they would need to act quickly as it would require a legislative act. He also stated that he would like to see Article VII, which would require the State to bear its fair share of court funding, added to the County's legislative program. Bryant supported Meiszer's suggestions.

(11:15 a.m.)

Commissioner Maguire

Maguire also addressed the river crossing study and commented on PUD and DRI waiver requests. He questioned if a study was being done on the issue of waiver requests to see if there was a pattern, or trend, and possibly amending the LDR. Adams said that he would look into it. Bryant stated that the Board should send a message to Staff that they should discourage developers from asking for a lot of variances.

(01/27/04 - 8 - 11:18 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board that the Budget Priorities Workshop was scheduled for this Friday, at 9:00 a.m. Bryant stated that he would be unable to attend the workshop, so he asked that the issue of unfunded mandates, in the area of healthcare and workman's compensation, be addressed.

(01/27/04 - 8 - 11:21 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(01/27/04 - 8 - 11:21 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:21 a.m. and reconvened at 1:37 p.m. with Maguire, Bryant, Meiszer, Adams, Barrow and Deputy Clerk Lenora Newsome present. Stern and Jacalone were not present at the meeting.

(01/27/04 - 8 - 1:37 p.m.)

5. PUBLIC HEARING - REZ 2003-23 BODY WISE WELLNESS CENTER - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 4.0 ACRES LOCATED AT 2706 OLD MOULTRIE FROM RESIDENTIAL-GENERAL (RG-1) TO COMMERCIAL NEIGHBORHOOD (CN). THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) FUTURE LAND USE DESIGNATION

Proof of publication of the Notice of Public Hearing on notice of proposed rezoning on File #REZ 2003-23, Body Wise Wellness Center was received, having been published in *The St. Augustine Record* on December 24, 2003.

Bruce Ford, Chief Planner, stated that this was a request to rezone approximately 3.88 acres on Old Moultrie Road from RG-1 to Commercial Neighborhood. Maguire questioned the previous use of the property and the water and sewer on the property. Ford responded to Maguire's questions.

(1:41 p.m.) Barbara Jennings, 3200 Coastal Highway, representing the applicant, responded to the water and sewer question.

(1:41 p.m.) Susan Huffman, 4280 Coastal Highway, spoke on being the therapist and Pilates personal trainer, Exhibit A.

(1:42 p.m.) Terri Husberg, 740 A1A Beach Blvd., spoke on behalf of Body Wise Studios and in favor of this item. (1:43 p.m.) **Motion by Bryant, seconded by Meiszer, carried**



3/0 with Stern and Jacalone absent, to enact Ordinance 2004-8, known as REZ 2003-23 Body Wise Wellness Center adopting Findings of Fact to support the motion contained in the packet 1 through 5.

ORDINANCE NO. 2004-8

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL GENERAL (RG-1) TO COMMERCIAL NEIGHBORHOOD (CN); MAKING FINDINGS OF FACT: REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(01/27/04 - 9 - 1:44 p.m.)

6. PUBLIC HEARING - PUD 2003-31 ZAXBY'S RESTAURANT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.16 ACRES LOCATED AT 1850 OLD MOULTRIE ROAD FROM COMMERCIAL NEIGHBORHOOD (CN) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW A 3,000 SQUARE FOOT FAST FOOD RESTAURANT WITH A DRIVE THROUGH. THE PROJECT WILL BE SERVED BY CENTRAL WATER AND SEWER FROM ST. JOHNS COUNTY UTILITY AND HAVE ACCESS ON OLD MOULTRIE ROAD. THIS ITEM APPEARED BEFORE THE PLANNING AND ZONING AGENCY AT THEIR DECEMBER 18, 2003 PUBLIC HEARING WHERE IT RECEIVED A VOTE OF 7-0 TO RECOMMEND APPROVAL

Proof of publication of the Notice of Public Hearing on notice of proposed rezoning on File #PUD 2003-31, Zaxbys St. Augustine was received, having been published in *The St. Augustine Record* on January 7, 2004.

Bruce Ford, Chief Planner, stated that this was a request to rezone property from Commercial Neighborhood to PUD for a 3,000 square foot restaurant with a drive through. Maguire questioned the potential access to the north being a right-of-way. Ford responded that it was vacant property and currently being used.

(1:47 p.m.) Kirt Partridge, 3010 South 3<sup>rd</sup> Street, Jacksonville, Patterson, Bond, & Latshaw, P.A., agent for Thomas and Ann Devoe, stated that he was available for questions.

(1:48 p.m.) Sara Fenwick, 6 Rio Vista Drive, stated that she was not opposed to the restaurant, but pointed out that there were important trees on the property that needed to be considered. Meiszer questioned the Tree Ordinance coming into affect here. Teresa Bishop, Planning Director, replied that they would be required to provide a tree survey to the Urban Forestry Division and the protected trees would be considered.

(1:52 p.m.) **Motion by Bryant, seconded by Meiszer, carried 3/0 with Stern and Jacalone absent, to enact Ordinance No. 2004-9, known as PUD 2003-31, Zaxby's Restaurant PUD adopting Findings of Fact to support the motion contained in the packet 1 through 7.** Barrow left the meeting and Daniel Bosanko, County Attorney, entered the meeting.

ORDINANCE NO. 2004-9

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM CN (COMMERCIAL

NEIGHBORHOOD) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(01/27/04 - 10 - 1:53 p.m.)

7. PUBLIC HEARING - NOPC 2003-05 MARSHALL CREEK DRI - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO AMEND THE MARSHALL CREEK DRI DEVELOPMENT ORDER (DO) TO MAKE THE FOLLOWING REVISIONS: 1. THE DO WILL INCORPORATE TOLLING PERIODS INTO THE PHASING AND BUILDOUT DATES FOR THE DRI PURSUANT TO THE LETTER FROM TERESA BISHOP, AICP, PLANNING DIRECTOR, DATED AUGUST 28, 200, AS FOLLOWS: THE COMMENCEMENT DATE SHALL BE JUNE 15, 2003. PHASE I -JUNE 15, 2000 TO JUNE 15, 2005. PHASE II -JUNE 16, 2005 TO FEBRUARY 28, 2011. THE BUILDOUT DATE SHALL BE FEBRUARY 28, 2011. THE DRI TERMINATION AND DEVELOPMENT ORDER EXPIRATION SHALL BE FEBRUARY 28, 2011. 2. DO SECTION 29(A) WILL BE AMENDED TO ALLOW THE TRANSPORTATION CONDITIONS TO MONITOR THE FOLLOWING ROADWAY LINKS: INTERNATIONAL GOLF PARKWAY (SR 16 TO I-95), SR 16 (CR 16A TO INTERNATIONAL GOLF PARKWAY) AND SAN MARCO AVENUE (SR 16 TO US 1) TO BE BASED ON EXTERNAL P.M. PEAK HOUR TRIPS RATHER THAN RESIDENTIAL UNITS AND SQUARE FOOTAGE. PHASE I SHALL BE DEEMED AS THE AMOUNT OF DEVELOPMENT WHICH IS ESTIMATED TO GENERATE 1,261 EXTERNAL P.M. PEAK HOUR TRIPS. PHASE II SHALL COMMENCE WHEN MORE THAN 1,261 EXTERNAL P.M. PEAK HOUR TRIPS ARE ESTIMATED TO BE GENERATED. 3. ALL REFERENCES TO THE LINK IDENTIFIED AS SAN MARCO AVENUE (MAY STREET TO US 1) SHALL BE CHANGED TO SAN MARCO AVENUE (SR 16 TO US 1).

Proof of publication of the Notice of Public Hearing on notice of proposed change on File #NOPC 2003-05, Marshall Creek DRI was received, having been published in *The St. Augustine Record* on December 24, 2003.

Nicole Cubbedge, AICP, Planner III, reviewed the proposed changes. Meiszer asked who benefited from Change 2, changing the peak hours to the evening peak hours. Cubbedge explained. Meiszer questioned Change 3. Cubbedge responded that the references to the link identified as San Marco Avenue (May Street to US 1) shall be changed to San Marco Avenue (SR 16 to US 1) and explained. Maguire questioned if there were any outstanding issues. Cubbedge replied that there were not any now. Maguire asked if there was an infrastructure cost tagged to Phase 2. Cubbedge replied yes, they had roadway improvements that needed to be made before starting Phase 2.

(2:10 p.m.) George McClure, 170 Malaga Street, gave a brief history of the Development Order. He stated the reason they are here now was for a typographical error correction, peak hour trips discussion, and predated pipelining in St. Johns County. Discussion followed on four laning San Marco Avenue. (2:19 p.m.) **Motion by Bryant, seconded by Meiszer, carried 3/0 with Stern and Jacalone absent, to approve Resolution No. 2004-24, approving a Notice of Proposed Change to the Marshall Creek DRI Development Order, adopting Findings of Fact to support the motion in the packet 1 through 4.**

RESOLUTION NO. 2004-24

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE MARSHALL CREEK DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON OCTOBER 13, 1998, UNDER RESOLUTION 98-191 AND AS PREVIOUSLY MODIFIED BY RESOLUTION 98-220 APPROVED DECEMBER 10, 1998; AND RESOLUTION 2002-103 APPROVED JUNE 4, 2002; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(01/27/04 - 11 - 2:20 p.m.)

8. DISCUSSION OF LOCAL PREFERENCES IN AWARD OF COUNTY CONTRACTS

Joe Burch, Purchasing Manager, stated this item was recommended by several Commissioners who had inquiries from local vendors who would like to see some type of local preference policy adopted by the County. He stated that the County did not have a local preference policy at all with regards to the awarding of contracts. He stated that they did have a policy in case of a tied bid, where if everything were equal, then they would award the bid to the local vendor. He related that 14 percent of the counties and 19 percent of the cities in the United States had local preferences. Burch mentioned that the way they handled preferences in most cases was by professional services, commodities of hard goods, and contractual or construction services. Bosanko stated that his office had started researching this issue and had not quite finished their research. He provided the Board with some preliminary information now and stated that his intention was to produce a written report for the Commission, and if the direction of the Board was to continue this, they would produce a written report for them regarding legal options on local preference. He stated that his office would need more time to cover it and would need to place it on a later agenda. Discussion followed on the County already giving local preferences, the legal aspects of giving local preferences, updating the policy, the principals of competitive bidding, and keeping as much business in the community as possible. (2:20 p.m.) *It was the consensus of the Board, with Stern and Jacalone absent, to back off of it right now.*

(2:42 p.m.) Adams mentioned a letter dated January 27, 2004, concerning the County backing out of the contract for the purchase of the proposed fire/rescue headquarters building. He stated that they were going to hand deliver a copy of the letter to George McClure today.

**Motion by Bryant, seconded by Maguire, carried 3/0 with Stern and Jacalone absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 2:42 p.m.

REPORTS:

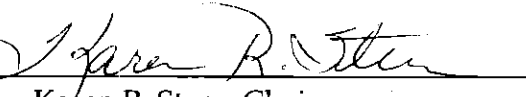
1. St. Johns Board of County Commissioners Check Register, Check #345475 through 345777, totaling \$1,564,097.44 (01/20/04)
2. St. Johns Board of County Commissioners Check Register, Check #345778 through 345808, totaling \$54,366.11 (01/22/04)

CORRESPONDENCE:

1. Letter dated January 16, 2004 to Shelby Jack, Clerk, Town of Hastings, regarding a fully executed original of the lease renewal agreement between the Town of Hastings and St. Johns County Mental Health
2. Letter dated January 20, 2004 to Liz Cloud, Chief, Bureau of Administration Code, filing St. Johns County Ordinance Numbers 2004-3 through 2004-5
3. Letter dated December 12, 2003 from Liz Cloud, Program Administrator, State of Florida, regarding receipt of manual signatures, under oath, filed by Karen R. Stern, Chair and Bruce A. Maguire, Vice Chair
4. Letter dated January 23, 2004 to Liz Cloud, Chief, Bureau of Administrative Code, filing copies of St. Johns County Ordinance Numbers 2004-06 through 2004-07.

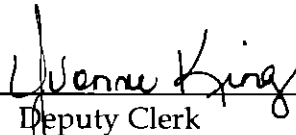
Approved February 10, 2004

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

**RENDITION DATE** 02-12-04

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

