

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 3, 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
Daniel Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Also present: George Lareau, Chief Deputy; and Allen MacDonald, Finance Director

(02/03/04 - 1 - 9:04 a.m.)

The meeting was called to order by Chair Stern.

(02/03/04 - 1 - 9:04 a.m.)

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

(02/03/04 - 1 - 9:05 a.m.)

ROLL CALL

Stern stated that all five Commissioners were present.

(02/03/04 - 1 - 9:06 a.m.)

PROCLAMATION DESIGNATING FEBRUARY AS LIBRARY APPRECIATION MONTH

Mary Jane Little, Library Director, introduced the members of the Library Advisory Board, Staff and members of the Friends of the Library. Bryant read the proclamation and Harold Hines, Chair of the Library Advisory Board, commented on being extremely grateful for the outstanding support the County had provided to the residence of St. Johns County. Stern mentioned that Harold Hines had been very instrumental in bringing this activity forward, working with the Governor to make it a statewide event.

(02/03/04 - 1 - 9:11 a.m.)

PROCLAMATION DESIGNATING FEBRUARY AS BLACK HISTORY MONTH

Stern read the proclamation. Barbara Bickers, Senior Advisor to the Civil Rights Committee, and Gerald Eubanks accepted the proclamation, thanking everyone.

(02/03/04 - 1 - 9:16 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Jacalone, seconded by Bryant, carried 5/0, to accept the previously read proclamations.

(02/03/04 - 2 - 9:16 a.m.)
PUBLIC COMMENT

Ed Taylor, 3665 Crazy Horse Trail, gave a brief update on the status of the new national cemetery. Maguire spoke on the site being considered in Flagler County. Dan Hughes, USMC retired, spoke on the different cemetery properties. Maguire asked the Board to draft a Resolution to support any site south of Jacksonville. Stern asked Adams to check on what the other counties were doing about the cemetery property. Meiszer suggested naming the Veteran's Council as the cemetery committee.

(02/03/04 - 2 - 9:29 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(02/03/04 - 2 - 9:29 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
01/13/04 - BCC Regular Meeting
3. Motion to award Bid 04-38, Davis Park Lighting, to the low bidder, M. Gay Constructors, Inc in the amount of \$247,700 (*See Attachment A*)
4. Motion to adopt **Resolution No. 2004-25**, recognizing unanticipated revenue in the amount of \$30,000, and increasing the expenditure budget 4416-56302 of the Utility Fund by the same amount

RESOLUTION NO. 2004-25

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

5. Motion to authorize consent to dispose of public records for the Code Enforcement Program, which had been retained for the allotted time required by the State of Florida, Florida Administrative Code, Chapter 1B-24
6. Motion to authorize consent to dispose of public records for the Development Review Program, which had been retained for the allotted time required by the State of Florida, Florida Administrative Code, Chapter 1B-24
7. Motion to adopt **Resolution No. 2004-26**, accepting the Grant of Easement for an outfall from Pine Circle West to St. Augustine Road

**ST. JOHNS COUNTY
BID TABULATION**



*Consent #3
2/3/04*

BID TITLE
DAVIS PARK LIGHTING
PROJECT PASE 1

OPENED BY
LEIGH DANIELS

BID NUMBER
BID NO. 04-38

TABULATED BY
RUDY GONZALEZ, CPPB

OPENING DATE/TIME
January 21, 2004, 3:00 P.M.

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.

VERIFIED BY
PAGE (S) 1 OF 1 PAGE (S)

POSTING TIME/DATE
01/21/04 4:00 PM UNTIL 01/26/04 4:00 PM

BIDDERS	TOTAL BASE BID PRICE	BID BOND	ADDENDUM 1	ADDENDUM 2	ADDENDUM 3	
POWER PRODUCT, INC.	\$353,600.00	YES	X	X	X	
EAST COAST POWER INC.	\$377,555.00	YES	X	X	X	
M GAY CONSTRUCTOR	\$247,700.00	YES	X	X	X	
AMERICAN CONTRACTORS & DEVELOPERS, INC.	\$370,000.00	YES	X	X	X	
BEMCI ELECTRIC INC.	\$268,000.00	YES	X	X	X	
TRI COUNTY ELECTRIC	\$266,200.00	NO	X	X	X	



Attachment "A"

BID AWARD DATE - _____

RESOLUTION NO. 2004-26

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING A GRANT OF EASEMENT FOR AN OUTFALL FROM PINE CIRCLE WEST TO ST. AUGUSTINE ROAD

8. Motion to adopt **Resolution No. 2004-27**, authorizing the Clerk of the Circuit Court, under Section 95.361, Florida Statutes, to file the survey map for a part of Barrel Factory Road, claiming a vested interest in St. Johns County in the right-of-way described in this survey by prescriptive rights of the public, in accord with the principles set forth in Downing v. Bird 100 So. 2d 57 (Fla. 1958)

RESOLUTION NO. 2004-27

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR A PART OF BARREL FACTORY ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 S0.2D 57 (Fla. 1958)

9. Motion to adopt **Resolution No. 2004-28**, accepting a Utility and Restoration Easement for water service to Cobblestone Village at St. Augustine, and accepting a Bill of Sale conveying all personal property associated with the water system

RESOLUTION NO. 2004-28

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A UTILITY AND RESTORATION EASEMENT FOR WATER SERVICE TO COBBLESTONE VILLAGE AT ST. AUGUSTINE AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER SYSTEM

10. Motion to adopt **Resolution No. 2004-29**, approving the terms of a License Agreement authorizing use of County owned property, located within a portion of the unopened right-of-way of Blocker Street and Stewart Street, for two retention ponds to serve the Affordable Housing Project called Hancock Place in the College Park Subdivision

RESOLUTION NO. 2004-29

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING USE OF COUNTY-OWNED PROPERTY

LOCATED WITHIN A PORTION OF THE UNOPENED
RIGHT-OF-WAY OF BLOCKER STREET AND STEWART
STREET FOR TWO RETENTION PONDS TO SERVE
THE AFFORDABLE HOUSING PROJECT CALLED
HANCOCK PLACE IN COLLEGE PARK SUBDIVISION

11. Motion to adopt **Resolution No. 2004-30**, authorizing the Clerk of the Courts under section 95.361, Florida Statutes, to file the survey map for Cowpen Branch Road, claiming a vested interest in the Road described in the survey map, and or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in Downing V. Bird, 100 So. 2D57 (Fla. 1958)

RESOLUTION NO. 2004-30

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR COWBRANCH ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (Fla. 1958)

12. Motion to adopt **Resolution No. 2004-31**, authorizing the Clerk of the Courts, under Section 95.361, Florida Statutes to file the survey map for Winifred Masters Road, claiming a vested interest in the Road described in the survey map, and or establishing a prescriptive easement in the same rights-of-way, in accordance with the principles set forth in Downing V. Bird, 100 SO. 2D57 (Fla. 1958)

RESOLUTION NO. 2004-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR WINIFRED MASTERS ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SETH FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (Fla. 1958)

13. Proofs:
- a. Proof, Request for Proposals, RFP No. 04-52
 - b. Proof, Request for Qualifications, RFQ No. 04-56
 - c. Proof, Notice to Bidders, Bid No. 04-38
 - d. Proof, Notice to Bidders, Bid No. 04-53
 - e. Proof, Notice to Bidders, Bid No. 04-55
 - f. Proof, Notice of Public Hearing, School Board position on Planning and Zoning Agency, St. Johns County, Tuesday, January 20, 2004, at 9:00 a.m.
 - g. Proof, Notice of Private Meeting, St. Johns County Board of County Commissioners, Tuesday, January 20, 2004, at 8:00 a.m.

- h. Proof, Notice of Special Meeting, Private Attorney/Client Session, Department of Community Affairs, St. Johns County Board of County Commissioners, Tuesday, January 20, 2004, at 8:00 a.m.
- i. Proof, Notice of Public Hearing, Application of Intercoastal Utilities, Inc., for Extension of Water and Sewer Service Area, St. Johns County Water and Sewer Authority, Wednesday, January 7, 2004, at 9:00 a.m.
- j. Proof, Notice of Final Hearing, Extension of Service, Intercoastal Utilities, Tuesday, February 3, 2004, at 1:30 p.m.
- k. Proof, Notice of Special Meetings, Bond Purchase Agreement, St. Johns County, Florida, Water and Sewer Revenue Bonds, Wednesday, January 28, 2004, at 2:00 p.m. and Wednesday, February 11, 2004, at 1:00 p.m.
- l. Proof, Notice of Special Meeting, St Johns County School Board and Board of County Commissioners, Wednesday, January 21, 2004, at 9:00 a.m.
- m. Proof, Notice of Workshop, Budget Priorities Fiscal Year 2005 Budget, St. Johns County Board of County Commissioners, Friday, January 30, 2004, at 9:00 a.m.
- n. Proof, Notice of Resolution Adoption, CR 203 SR, f/k/a North 78, a/k/a Ponte Vedra Blvd., Vacating, Abandoning, Discontinuing and Closing Certain Streets, Alleyways, Roads or Easements
- o. Proof, Certificate of Liability Insurance, Phillips of Jax
- p. Proof, Certificate of Liability Insurance, Staff Masters of Jacksonville
- q. Proof, Certificate of Liability Insurance, United Service Companies
- r. Proof, Certificate of Liability Insurance, Allied Waste Industries, Inc.
- s. Proof, Certificate of Liability Insurance, Waste Management Inc. of Florida
- t. Proof, Certificate of Liability Insurance, Beach Construction Co., Inc.
- u. Proof, Certificate of Liability Insurance, V J Usina Contracting, Inc.
- v. Proof, Certificate of Liability Insurance, Register Contracting Company, Inc.
- w. Proof, Certificate of Liability Insurance, Aquamarine Swimming Pool Co.

(02/03/04 - 5 - 9:30 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to pull Item 9, at the request of the applicant, to be resubmitted it at a later date as a PUD.

(9:33 a.m.) Randy McNeal, 117 Old Ponte Vedra Drive, spoke on continuing Item 9 and requested to leave the continued date open. Bosanko responded that there would have to be new advertisement and a new package if this item was continued. McNeal spoke on notification.

(02/03/04 - 5 - 9:35 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Bryant, carried 5/0 to approve the Regular Agenda as amended, and with the direction to advertise Item 9 as being pulled on the Government Channel.

(02/03/04 - 5 - 9:36 a.m.)

1. CONSIDER A MOTION TO GRANT OR DENY FREE USE OF SPACE AT THE ST. JOHNS COUNTY CONVENTION CENTER TO BELIEVERS IN JACKSONVILLE (JACKSONVILLE PARTNERSHIP IN FAITH) ON THURSDAY, MAY 13, 2004, FROM 8:00 A.M. UNTIL 4:00 P.M.

Dena Masters, TDC Office Manager, stated that she had a request for the use of free space at the St. Johns County Convention Center from the Believers in Jacksonville, Inc. Meiszer asked if this was a fund raising event. Masters replied that they did not indicate that it was a fundraising event. Meiszer questioned if they had ever given free use of the convention center to organizations located outside the county. Masters replied, not to her knowledge. Maguire questioned Believers in Jacksonville, Inc. on having a tax-exempt status, showing that they were a non-profit organization. Bosanko reviewed the Board's rules for use of the convention center and read six of the main principals of those rules. Jacalone spoke on working regionally and trying to be cooperative with surrounding counties.

(9:48 a.m.) John Perry, 105 Ocean Edge Drive, Ponte Vedra, spoke on the connection between everyone in the fellowship. He mentioned that they would provide a 501(c)(3) form to the Board. Discussion followed on the relationship between the organizations. Bosanko stated that there were no restrictions regarding the addresses or home office, of the organization. (9:54 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/1 with Meiszer opposing, to grant the free use of space at the St. Johns County Convention Center to Believers in Jacksonville, on Thursday, May 13, 2004, from 8:00 a.m. until 4:00 p.m.**

(02/03/04 - 6 - 9:55 a.m.)

2. PRESENTATION OF THE FIRST QUARTERLY UPDATE OF THE ST. JOHNS VISION, INC.

John Schwab, Special Projects Manager, gave a brief history of this item.

(9:56 a.m.) Jim Sutton, 4265 Lewis Avenue, Executive Director of St. Johns Vision, Inc., gave a brief presentation. He stated that it was the Foundation Team's responsibility to recruit division partners and establish the alliances. Jacalone questioned matching every dollar that was raised from the start. Sutton spoke on fund raising and the plans for the future. Sutton asked to use the County Auditorium on May 12th to have a community meeting to advise the community about the successes and failures of each Foundation Teams. Stern stated that he would need to submit a letter requesting the use of the auditorium. Discussion followed on the three alliances.

(02/03/04 - 6 - 10:18 a.m.)

3. CONSIDER APPOINTMENTS TO THE CATEGORY II ARTS/GRANTS FUNDING PANEL

Melissa Lundquist, Administrative Coordinator, mentioned that the Category II Funding Panel had two vacancies, due to the expired terms of Bill Puckett and Brenda Bushell. The TDC requested that Dana Ste. Claire and George Gardner be appointed to serve on the panel for a two-year term. (10:20 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to affirm Dana Ste. Claire and George Gardner as TDC representatives to the Category II Arts/Grants Funding Panel, each completing a two-year term scheduled to expire on February 3, 2006.**

(02/03/04 - 6 - 10:20 a.m.)

4. CONSIDER THE APPOINTMENT OF A ST. JOHNS COUNTY REPRESENTATIVE TO THE NORTHEAST FLORIDA COMMUNITY ACTION AGENCY, INC.

Lundquist mentioned that Ms. Billie London had to decline being a representative because of health reasons and there was a request to nominate Benjamin Coney as the representative. (10:22 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to**

nominate Mr. Benjamin Coney as the St. Johns County representative on the Board of Directors of the Northeast Florida Community Action Agency, Inc.

(02/03/04 - 7 - 10:22 a.m.)

5. CONSIDER THE APPOINTMENT OF A ST. JOHNS COUNTY REPRESENTATIVE TO THE HEALTH PLANNING COUNCIL OF NORTHEAST FLORIDA, INC.

Lundquist stated that a letter of request had been sent to them from Susan Ponder-Stansel, who was interested in serving on this Board. (10:23 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to appoint Ms. Susan Ponder-Stansel as the St. Johns County representative on the Health Planning Council of Northeast Florida, Inc.** (10:24 a.m.) George Lareau, Chief Deputy, left the meeting.

(02/03/04 - 7 - 10:24 a.m.)

6. CONSIDER CONVENTION CENTER BOND REFINANCING

Bosanko introduced a couple of people, who worked on the team, who would be doing the presentation. Joe Vonasek, Director of Management and Budget, reviewed the Convention Center Bond Refinancing, stating that they were seeking approval because the savings would be substantial and the interest rate was at 7 1/2%. Jacalone questioned the interest rates and Vonasek responded. Jacalone also asked for a calculation of the overall savings.

(10:31 a.m.) Mitch Owens, One Independent Drive, Jacksonville, William R. Hough and Company, replied that the County would save 12%, which was over \$2 million. Meiszer spoke on reducing the interest rate and the term.

(10:37 a.m.) Jean Mangu, 54 Franklin Avenue, Ponte Vedra Beach, spoke on making a technical amendment to the Convention Center Resolution. Vonasek stated that there would not be a shortfall for the first two years and spoke on fees to the County for the current refinancing. Owens spoke on negotiating on the new bond. Meiszer spoke on shortfalls in revenue. Jacalone questioned an additional two cent tax being collected. Vonasek replied that there was an additional one-cent bed tax that had been collected within the World Golf Village area, and stated that was one of the pledged revenues. (10:47 a.m.) Bryant left the meeting. (10:47 a.m.) Allen MacDonald, Finance Director, explained that within the World Golf Village area, extra taxes levied, charged five cents versus three cents countywide. Jacalone mentioned that in case of a shortfall, there would be an assessment to the participants. MacDonald explained how it worked and stated that the cost to County was \$200,000 from TDC funds. He stated until the revenue matched, the debt would have to cover the shortfall. (10:56 a.m.) **Motion by Jacalone, seconded by Stern, to adopt Resolution 1 No. 2004-32.**

(10:56 a.m.) Bud Markel, 81 Sugar Cane Avenue, spoke on there never being enough revenue to cover the debt. He spoke on needing three interstate hotels in the area to be able to cover the debt. Meiszer spoke on the free days given to the County to use the Convention Center to be able to do fundraisers to pay some of the debt. Bosanko advised the Board that there were two motions and for the record, he wanted to confirm that Jacalone was referring to the first motion when he made his motion. Jacalone replied that he was referring to the first motion. **The motion carried 4/0 with Bryant absent.**

RESOLUTION NO. 2004-32

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE BORROWING OF NOT TO EXCEED \$19,500,000 IN AGGREGATE PRINCIPAL AMOUNT THROUGH A LOAN, OR LOANS FROM THE GULF BREEZE, FLORIDA LOCAL GOVERNMENT LOAN PROGRAM TO REFINANCE CERTAIN OUTSTANDING INDEBTEDNESS AS DESCRIBED HEREIN; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIXED RATE NOTE TO EVIDENCE THE OBLIGATION OF THE COUNTY TO REPAY SUCH LOAN; PROVIDING SECURITY FOR THE REPAYMENT OF THE LOAN AND THE NOTE; DELEGATING CERTAIN MATTERS TO THE CHAIRMAN; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING OTHER MATTERS PERTAINING TO THE LOAN AND THE REFINANCING PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE

(11:05 a.m.) Motion by Jacalone, seconded by Stern, carried 4/0 with Bryant absent, to adopt Resolution 2 No. 2004-33, authorizing amendments to Resolution 95-117, in connection with the Gulf Breeze borrowing.

RESOLUTION NO. 2004-33

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING AND SUPPLEMENTING RESOLUTION NO. 95-117 OF THE COUNTY, ADOPTED ON JUNE 13, 1995, AS HERETOFORE AMENDED AND SUPPLEMENTED, FOR THE PURPOSE OF CONTINUING TO APPLY CERTAIN REVENUES RECEIVED BY THE COUNTY IN CONNECTION WITH THE COUNTY'S CONVENTION CENTER PROJECT TO PAY CERTAIN DEBT INCURRED BY THE COUNTY TO REFINANCE THE COUNTY'S OUTSTANDING TAXABLE CONVENTION CENTER REVENUE BONDS, SERIES 1996; AUTHORIZING CERTAIN OTHER MATTERS IN CONVENTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

(11:06 a.m.) Stern suggested moving Reports to the end of the day. She announced that the Public Hearing that had been scheduled for the afternoon for Eddie's Palm Valley Landing had been pulled and would be rescheduled at a later date.

The meeting recessed at 11:07 a.m. and reconvened at 1:35 p.m., with Stern, Maguire, Bryant, Meiszer, Jacalone, Adams, Bosanko and Robin Platt, Deputy Clerk, present.

(02/03/04 - 8 - 1:35 p.m.)

- 7. PUBLIC HEARING - FINAL APPROVAL OF WATER AND SEWER AUTHORITY PRELIMINARY ORDER #04-00001, APPROVING EXTENSION OF SERVICE AREA FOR INTERCOASTAL UTILITIES, DOCKET #03-0007-0024-**

0002. THIS APPLICATION FOR EXTENSION OF SERVICE AREA FOR INTERCOASTAL UTILITIES, INC. (THE UTILITY) IS FOR CENTRAL WATER AND WASTEWATER SERVICE TO THE PROPOSED SHOPPES AT PALM VALLEY, TO INCLUDE BUILDING A (28,800 SF), BUILDING B-RETAIL (5,127 SF), BUILDING C-RETAIL (6,000 SF) BANK A (4,865 SF) AND BANK B (3,150 SF) AND CONTAINS A MAXIMUM OF 25 EQUIVALENT RESIDENTIAL CONNECTIONS (ERCS). THE ST. JOHNS COUNTY WATER AND SEWER AUTHORITY (THE AUTHORITY), AT ITS JANUARY 7, 2004 MEETING, APPROVED PRELIMINARY ORDER #04-00001, APPROVING THE APPLICATION BY THE UTILITY TO EXTEND ITS SERVICE AREA FOR WATER AND WASTEWATER SERVICE AND RECOMMENDS FINAL APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS. THE AUTHORITY DETERMINED THAT THE UTILITY MET THE TECHNICAL REQUIREMENTS FOR EXTENSION OF THEIR SERVICE AREA. THE UTILITY PAID THE APPROPRIATE DEPOSIT, COMPLIED WITH THE REQUIRED NOTICING AND ADVERTISING REQUIREMENTS, SATISFIED THE EXPEDITED PROCEDURE REQUIREMENTS AND NO OBJECTIONS TO THE APPLICATION WERE FILED (SEE STAFF RECOMMENDATIONS TO THE AUTHORITY AT EXHIBIT A TO THE AUTHORITY'S PRELIMINARY ORDER)

Proof of publication regarding the Notice of Final Hearing for Extension of Service for Intercoastal Utilities was received, having been published in *The St. Augustine Record* on January 12, 2004.

John Schwab, Executive Director Water and Sewer Authority, introduced this item and explained that the request for this extension came from the developer, not the utility, and was for service at a specific site. Discussion followed regarding usage and Intercoastal's territory.

(1:39 p.m.) Motion by Jacalone, seconded by Bryant, to approve Final Order Confirming Preliminary Order No. 04-00001 in Docket No. 03-0007-0024-0002.

(1:39 p.m.) James J. Barta, 15 S. Roscoe Blvd., Ponte Vedra Beach, spoke in favor of this item and stated that he planned to seek a similar service area extension for his business. Discussion followed on the steps that would be required for the possible extension.

(1:42 p.m.) Noreen Davis, attorney for the Water and Sewer Authority (WSA), explained the authority of the WSA in regard to the service extension to Barta's property, which was not located within the Utility's territory.

(1:44 p.m.) John Wharton, 2548 Blairstone Pines Dr., Tallahassee, attorney representing Intercoastal Utilities, requested that the Board confirm the Preliminary Order of the Authority. He stated that any decision to expand the Utility's territory would be a business decision and that Mr. Barta's request was being looked into.

(1:45 p.m.) M. L. Forrester, 6215 Wilson Blvd., Jacksonville, representing Intercoastal Utilities, reiterated that the extension was requested by the developer, and that the development was located adjacent to their existing territory. Discussion ensued on Barta's request for service. (1:52 p.m.) **The motion carried 5/0.**

(02/03/04 - 9 - 1:53 p.m.)

8. PUBLIC HEARING - COMPAMD 2003-03, ST. AUGUSTINE CENTRE DRI. THIS ITEM WAS CONTINUED FROM THE JANUARY 6TH BCC MEETING TO ALLOW STAFF AND THE APPLICANT TO PROVIDE MORE INFORMATION ON THIS REQUEST. THE 2003 TRAFFIC STUDY AND THE SUPPLEMENTAL

TRANSPORTATION ANALYSIS HAVE BEEN INCLUDED IN THIS AGENDA PACKAGE. THE APPLICANT HAS ALSO PROVIDED BACKGROUND INFORMATION IN A MEMO DATED JANUARY 13TH, TO PROVIDE AN OVERVIEW AND ADDRESS QUESTIONS BY THE BCC. ALTHOUGH THE PROPOSED NOTICE OF PROPOSED CHANGE TO THE DRI (NOPC 2003-04) IS NOT UNDER CONSIDERATION AT THIS TIME, THE APPLICATION HAS BEEN INCLUDED FOR INFORMATIONAL PURPOSES

Proof of publication for the St. Augustine Center DRI Comp Plan Amendment was received, having been published in *The St. Augustine Record* on January 14, 2004.

Nicole Cubbedge, Planner III, presented the details of this item and stated that the original DRI, approved in 1997, contained a set of development uses and required improvements, which were to be done in phases. She stated that the Development Order included an alternative for the developer to conduct a traffic study to determine the actual need for the required improvements prior to commencing Phase 3. The traffic study that was submitted in November, 2003, resulted in a reduction of their development rights by 196,725 square feet of outlet retail uses. Due to the square footage reduction and the new traffic study, there were only three roadway segments shown to be significant and adverse; including SR 16 from CR 16A to IGP, SR 16 from IGP to the west mall entrance and SR 16 from I-95 to Inman Road, for a proportionate share of \$1,919,597. The applicant was proposing to pipeline the transportation mitigation towards the design, engineering and construction of widening an approximately .58 mile segment of SR 16, from the west mall entrance to the Whisper Ridge PUD driveway. Cubbedge stated that the other impacted roadway segments were already committed for improvements by other developments.

(1:59 p.m.) Discussion followed on the impacted links shown in the study, with Jacalone stating that he could not support allowing the project to be exempted from its original transportation obligations. Cubbedge explained that the DRI gave them the option to stop at Phase 2, and have no further requirements, or conduct a new traffic study, make adjustments, and proceed to Phase 3. Discussion ensued on past and proposed improvements.

(2:07 p.m.) Cubbedge commented that Staff had been operating under the policy that the County did not wish to do six-lane roads. Stern clarified the improvements that the developer was proposing and Jacalone again addressed relieving the developers of their original obligations and questioned the no six-laning policy.

(2:13 p.m.) Teresa Bishop, Planning Director, explained that the no six-laning policy originated with the A1A widening in Ponte Vedra. Meiszer stated that there was overwhelming public support for not wanting this county to look like Duval County, and for not having six-lane roadways.

(2:19 p.m.) Bryant questioned Staff's opinion on which was the best segment for the developer to approve. Shawn Collins, Transportation Planning Manager, explained that Staff and the FDOT thought that this would be the best way to expend those dollars.

(2:20 p.m.) John Bailey, Upchurch, Bailey and Upchurch, counsel for the applicant, introduced the engineer for the project.

(2:20 p.m.) Bill Hartmann, King Engineering, 6500 Bowden Road, Jacksonville, reviewed the traffic studies, defined the term "significant and adverse" and addressed the requirements that were in effect when the DRI was adopted. He pointed out the three

options that were available to the developer; stopping at Phase 2, doing all of the improvements that were listed in the DO, or doing annual monitoring of the roadway conditions. He summarized the reasons for the list going from ten links in the 2000 study to three links in the current (2003) study.

(2:30 p.m.) Maguire questioned the reduction of the commercial in Phase 3. Hartmann explained that the outlet mall commercial was 763,732 sq. ft. and was reduced by 196,725 sq. ft., and that there was no reduction in the general commercial or the residential. Discussion followed on how the study was conducted. Hartmann stated that they originally proposed six-laning SR 16, but that the FDOT directed them to do the segment currently being proposed.

(2:36 p.m.) Dan Bosanko, County Attorney, commented on some of the language on page 4 of 6 in the packet, stating "... there is no prejudice to the County in transmitting the proposed comprehensive plan amendment to the Department of Community Affairs..." He disagreed with that language, in that it was his opinion that there was a significant difference in turning down the transmittal request now or at the adoption of the Comprehensive Plan Amendment phase, as opposed to the DRI level.

(2:42 p.m.) Jacalone stated that he was not opposed to a pipelining agreement that was more like the original obligations, but that he could not support this as currently proposed. Discussion followed on the rules of pipelining and proportionate share monies.

(2:50 p.m.) Bailey stated that he did not disagree with Bosanko's previous comments but that they were not at the adoption stage today. He also stated that he understood that the current pipelining proposal was not favored, but that it was not written in stone and could be negotiated.

(2:53 p.m.) Motion by Bryant, seconded by Maguire, carried 4/1 with Jacalone dissenting, to approve transmittal of COMPAMD 2003-03, St. Augustine Centre DRI to the Florida Department of Community Affairs for the purpose of obtaining additional review of this request to amend the 2015 Comprehensive Plan.

The meeting recessed at 2:54 p.m. and resumed at 3:02 p.m., with Bosanko being replaced by Isabelle Lopez, Senior Assistant County Attorney.

9. PUBLIC HEARING - REZ 2003-14, EDDIE'S PALM VALLEY LANDING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.71 ACRES, LOCATED AT 377 SOUTH ROSCOE BOULEVARD, FROM COMMERCIAL GENERAL (CG) TO COMMERCIAL, HIGHWAY AND TOURIST (CHT) TO BRING THE EXISTING USE OF BOAT STORAGE INTO COMPLIANCE AND TO ALLOW THE PROPERTY TO BE ENHANCED AS A MARINA. THE PROPERTY IS DESIGNATED COMMERCIAL ON THE FUTURE LAND USE MAP

This item was pulled from the Agenda.

(02/03/04 - 11 - 3:02 p.m.)

10. PUBLIC HEARING - REZ 2003-22, BONO'S PIT BAR-B-Q REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.68 ACRES, LOCATED AT 2420 US 1 SOUTH, FROM RESIDENTIAL GENERAL (RG-1) TO COMMERCIAL GENERAL (CG) TO ALLOW FOR A 3,500 SQUARE FOOT RESTAURANT WITH DRIVE THRU SERVICE

Proof of publication for the Bono's Pit Bar-B-Q Rezoning public hearing was received, having been published in *The St. Augustine Record* on January 14, 2004.

Bruce Ford, Chief Planner, presented the details of this item and handed out a revised Ordinance to correct a typo. He outlined the surrounding zoning classifications and stated that the PZA approved this by a vote of six to one, and that two adjacent property owner notices, in favor of the request, had been received.

(3:07 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to approve Ordinance No. 2004-10.**

ORDINANCE NO. 2004-10

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 GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/03/04 - 12 - 3:07 p.m.)

11. PUBLIC HEARING - REZ 2003-19, HUNTERS CREEK - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 8.44 ACRES, LOCATED AT 2369 HAWKCREST DRIVE EAST, FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-3), TO ALLOW THE PROPERTY TO BE SUBDIVIDED INTO ELEVEN SINGLE FAMILY LOTS. CURRENTLY THE PROPERTY IS DESIGNATED RESIDENTIAL B, ON THE FUTURE LAND USE MAP, WHICH ALLOWS UP TO TWO UNITS PER ACRE. THE PARCEL IS ALSO ZONED OPEN RURAL (OR) WHICH REQUIRES A MINIMUM LOT SIZE OF ONE ACRE PER DWELLING UNIT. THE APPLICANT IS PROPOSING A REZONING FROM OR TO RS-3 TO ALLOW THE SUBDIVISION OF THE PROPERTY TO CREATE ELEVEN LOTS. THE RS-3 ZONING WILL ALLOW FOR MORE FLEXIBILITY IN LOT DESIGN, AS WELL AS MEETING THE REQUIREMENTS FOR THE 35 FOOT DEVELOPMENT EDGE AROUND THE PERIMETER OF THE PARCEL, WHILE STILL MEETING THE OVERALL DENSITY OF TWO UNITS PER ACRE REQUIRED BY THE LAND USE

Proof of publication for the Hunters Creek Rezoning public hearing was received, having been published in *The St. Augustine Record* on January 14, 2004.

Bruce Ford, Chief Planner, presented the details of this item and stated that the development would have access from Tranquil Drive and that concurrency had been approved. He pointed out that there was a non-access easement on the north side of the parcel, along Creek Bend Drive. He reported that twelve adjacent property owner response forms had been received in opposition to the project and one was received in favor of the project. Two others were received that were concerned with access. Staff had no objections and PZA approved the request by a vote of six to one.

(3:12 p.m.) Maguire questioned the density for RS-3 and Ford explained that there was a minimum lot width of 75 feet, and a minimum lot area of 7,500 square feet. Discussion ensued on the surrounding zoning classifications and their standards.

(3:14 p.m.) Jacalone questioned if Tranquil Drive meet the current County paving and drainage standards. Bryant questioned if the applicant met all of the requirements, and there was no expert testimony to the contrary, would they have to approve the application.

(3:17 p.m.) Isabelle Lopez, Senior Assistant County Attorney, explained that was up to the Board, but due to the noticing provisions the Board could only consider leaving the current zoning, if compatible with the Comp Plan, approving the requested rezoning or continuing the item. Discussion followed on density and compatibility.

(3:26 p.m.) Scott Clem, Director of Growth Management, explained that they would prefer residentially used lands to be rezoned to residential, however property zoned OR could be subdivided without being rezoned, if all of the requirements were met.

(3:28 p.m.) Teresa Curry, 13901 Sutton Park Dr., explained, on behalf of the applicant, that the property was currently being used for a wastewater treatment facility. She felt that rezoning the property to residential would be in compliance with the surrounding area, as opposed to leaving it OR. She stated that they requested RS-3 due to the shape of the parcel and the 35-foot development edge.

(3:30 p.m.) Terry White, 1148 Hideaway Dr., representing Cunningham Hideaway, illustrated Tranquil Drive on a map of Cunningham Hideaway, Exhibit A. He also stated that he had safety concerns relating to the proposed access road. Discussion followed regarding the access road, the non-access easement and the size of the lots in the surrounding developments.

(3:37 p.m.) Kelly Langford, 1220 Creek Bend Rd., representing an adjacent homeowners association, requested that if the zoning was changed that it at least be RS-2, if not RS-1.

(3:39 p.m.) Teresa Bishop, Planning Director, reported that the road segments leading to this project site did meet County standards. Discussion followed on how to proceed with this item to allow the applicant to come back with a revised application.

(3:43 p.m.) Motion by Bryant, seconded by Stern, carried 5/0, to continue this item with the applicant resubmitting an application for RS-2.

(02/03/04 - 13 - 3:46 p.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer

Meiszer reported that he had attended some neighborhood meetings in developments with both commercial and residential zoning in the PUD. The residents of the developments claim that they were not told about the commercial development. He suggested that the Board find a way to better inform future residents of the plans for the commercial development, possibly with signage.

(3:49 p.m.)
Commissioner Maguire
No report.

(3:49 p.m.)
Commissioner Stern
Stern requested that Staff look at the procedures for conducting public hearings, in Article IX of the Land Development Code, and come back to the Board with suggestions

on how to improve the procedures for public hearings to make them run more efficiently and discussion followed.

Bryant commented that he believed that the procedures were in the Board's Rules and that the Board could decide how they wanted to conduct the hearings. Jacalone suggested that the procedures be taken out of the LDC altogether. Meiszer stated that whatever the procedure was it needed to be consistent and discussion ensued.

(3:58 p.m.) Stern stated that *The St. Augustine Record* had requested to use the County Auditorium on Thursday, February 12th, from 1:00 p.m. to 5:00 p.m., for a seminar on Florida's Government in the Sunshine Law. She questioned if they could allow *The Record* to use the auditorium, as per the Administrative Code the auditorium could only be used by boards and committees sanctioned by the Board of County Commissioners, etc. (3:59 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to waive that provision of the Code, for that date and time, and allow the St. Augustine Record the use of the building.** Stern indicated that if any of the Commissioners planned to attend that it would need to be advertised.

(4:00 p.m.) Stern also addressed the postal zip codes in the northwest area of the county, as the current zip codes reflected Jacksonville addresses. She stated that a representative from Congressman Mica's office told her that all that needed to be done was to request a postal line designation change. (4:03 p.m.) Stern also requested holding a workshop on transportation.

(4:04 p.m.)
Commissioner Jacalone
No report.

(4:04 p.m.)
Commissioner Bryant
No report.

(02/03/04 - 14 - 4:04 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams gave an update on the County's recycling locations.

(02/03/04 - 14 - 4:05 p.m.)
COUNTY ATTORNEY'S REPORT

Lopez reported on a mandate issued by the Fifth District Court of Appeals, in the Parker v. St. Johns County Estuary's appellate case, in the County's favor. Discussion followed on a possible lawsuit relating to the Ponte Vedra Boulevard issue regarding parking, the opening of beach access points and the acceptance of certain rights-of-way in Vilano Beach.

(02/03/04 - 14 - 4:12 p.m.)
CLERK OF COURT'S REPORT

No report.

(4:12 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adjourn.**

REPORTS:


1. St. Johns County Board of County Commissioners Check Register, dated January 27, 2004, for check nos. 345809 through 346087, totaling \$1,542,364.65
2. St. Johns County Board of County Commissioners Check Register, dated January 30, 2004, for check no. 346088, totaling \$14,225.39

CORRESPONDENCE:

1. Letter to Wayne E. Flowers, dated January 27, 2004, regarding an Interlocal Agreement between SJC and the PVBMSD.

Approved February 17, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

