

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 6, 2004
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, 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: Cheryl Strickland, Clerk of Courts; and Allen MacDonald, Finance Director

(04/06/04 - 1 - 9:07 a.m.)
Chair Stern called the meeting to order.

(04/06/04 - 1 - 9:07 a.m.)
Jacalone gave the Invocation and Stern led the Pledge of Allegiance.

(04/06/04 - 1 - 9:08 a.m.)
ROLL CALL

Stern announced that all five Commissioners were present.

(04/06/04 - 1 - 9:08 a.m.)
PROCLAMATION DESIGNATING APRIL AS PARLIAMENTARY EMPHASIS MONTH

Meiszer read the Proclamation and Carl Bloesing accepted it and spoke on Parliamentary month.

(04/06/04 - 1 - 9:12 a.m.)
PROCLAMATION DESIGNATING APRIL 5-11, 2004, AS PUBLIC HEALTH WEEK

Bryant read the Proclamation. Mike Hackney, St. Johns County Health Department; Jean Carver, Human Services Program Manager, St. Johns County Health Department; and Susan Vetter, Health Department; were present to accept the Proclamation. Jean Carver spoke on a few of the services that the Health Department provides.

(04/06/04 - 1 - 9:18 a.m.)
PROCLAMATION DESIGNATING APRIL 6, 2004, AS SERVE THE CHILDREN DAY

Maguire read the Proclamation. Jo Shepherd, Executive Director of Child Care Resources Network, Inc.; David Hoak, Chair of the St. Johns County School Readiness Coalition; and Deeann Grayson, Executive Director of the St. Johns County School Readiness Coalition, were present to accept the Proclamation. Sheppard spoke on,

Serve the Children Day. Grayson, on behalf of the Board members of the St. Johns County School Readiness Coalition presented flowers to Jo Shepherd as a token of their appreciation for her past efforts in this County, as well as her present efforts in the State of Florida for serving children in the area of child care.

(9:22 a.m.) Adams asked Robert Solano, Operations Manager, and Greg Jones, Utility Department, to join him at the front of the auditorium. He announced an award presented to the St. Johns County Utility Department for the Best Tasting Water in Florida, given by the Northeast Regional Florida American Waterworks Association.

(04/06/04 - 2 - 9:25 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Jacalone, seconded by Bryant, carried 5/0, to approve all of the previously read Proclamations.

(04/06/04 - 2 - 9:25 a.m.)

PUBLIC COMMENT

Carl Bloesing, 12 La Vista Drive, Ponte Vedra Beach, President of the Ponte Vedra Beaches Coalition, presented a copy of a Resolution that they adopted regarding an amendment to the Land Development Code. He stated that Teresa Bishop had reviewed this request and had no objections to it. Jacalone stated that the issue would have to be investigated and advertised.

(04/06/04 - 2 - 9:28 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested that Items 6 and 9 be pulled and added to the Regular Agenda as Items 1A and 1B. Adams requested that Item 1 be added to the Regular Agenda as 1C.

(04/06/04 - 2 - 9:30 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

This item was pulled from the Consent Agenda and placed on the Regular Agenda as Item 1C.

2. Approval of Minutes:
03/16/04 - BCC Regular Meeting
03/23/04 - BCC Regular Meeting

3. Sheriff's Bonds:

Approve:

Jody R. Brimigion	Michael R. McCormick	Christopher A. Hernandez
Sidney A. Mickler	Robert S. Junod	Herbert B. Schevitz
Mark D. Kapelka	Coby B. Seckinger	James W. Kennedy
Robert L. Terry	William J. Lewis	David B. Toth
Charles D. Mason	Thomas J. Williams	Jacob A. Manning
Mark E. Wilson		

4. Motion to adopt **Resolution No. 2004-56**, transferring commercial and construction/demolition debris collection non-exclusive franchises from Browning Ferris Industries (BFI) to Waste Services of Florida, Inc.

RESOLUTION NO. 2004-56

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TRANSFER OF NON-EXCLUSIVE COMMERCIAL AND CONSTRUCTION/DEMOLITION COLLECTION FRANCHISES FROM BROWNING FERRIS INDUSTRIES, INC., TO WASTE SERVICES OF FLORIDA, INC.

5. Motion to authorize the County Administrator, or his designee, to enter into contract under Bid No. 04-50R with InterTech, Inc., in the amount of \$128,600 for construction of Wahoo Drainage Improvements (*See Attachment A*)
6. Motion to authorize the County Administrator, or his designee, to enter into contract under Bid No. 04-69 with APAC-Southeast, Inc., in the amount not to exceed \$1,722,755.82, for 2004 Roadway Maintenance Project

This item was pulled from the Consent Agenda and placed on the Regular Agenda as Item 1A.

7. Motion to approve a challenge grant of up to \$6,000 for the St. Augustine Civil Rights Committee's special event to be held in June 2004, as recommended by the SJC Tourist Development Council
8. Motion to adopt **Resolution No. 2004-57**, authorizing the County Administrator to sign the Letter of Agreement between St. Johns County and Jacksonville Youth Sanctuary

RESOLUTION NO. 2004-57

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE LETTER OF AGREEMENT BETWEEN ST. JOHNS COUNTY COMMUNITY BASED CARE ("CBC") AND JACKSONVILLE YOUTH SANCTUARY

9. Motion to approve the transfer of \$16,974 from Court Facilities Trust Fund Reserve (1301-59920), \$3,318 to Building Improvement Fund (1301-56300) and \$13,656 to Operating Supplies (1301-55200)) to complete renovations to the new courtroom

This item was pulled from the Consent Agenda and placed on the Regular Agenda as Item 1B.

10. Motion to adopt **Resolution No. 2004-58**, approving a Final Plat for Vista Norte

RESOLUTION NO. 2004-58

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

**ST. JOHNS COUNTY
BID TABULATION**



LEIGH DANIELS
SARAH BARNETT

OPENED BY
TABULATED BY
VERIFIED BY

PAGE (S) 1 OF 1 PAGE (S)

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.

416104
Consent # 5

BID TITLE: WAHOO DRAINAGE IMPROVEMENTS
 BID NO. 04-50R
 OPENING DATE/TIME: March 24, 2004 3:00 P.M.
 POSTING TIME/DATE: 03/24/2004 4:00 PM UNTIL 03/29/2004 4:00 PM

BIDDERS	TOTAL BASE BID PRICE	BID BOND					
BCCO, INC.	\$237,000.00	✓					
INTERTECH, INC.	\$128,600.00	✓					
JENSEN CIVIL CONSTRUCTION, INC.	\$142,938.00	✓					

Attachment "A"

BID AWARD DATE - _____

11. Motion to adopt **Resolution No. 2004-59**, approving the terms of, and authorizing the County Administrator to execute, a certain Purchase and Sale Agreement for property needed for a retention pond for improvements to Roberts Road

RESOLUTION NO. 2004-59

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR A RETENTION POND FOR IMPROVEMENTS TO ROBERTS ROAD

12. Motion to adopt **Resolution No. 2004-60**, accepting a donation of property from Mickler Development, LLC, as developer of Meditierra at Ponte Vedra for additional right-of-way on Mickler Road

RESOLUTION NO. 2004-60

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DONATION OF PROPERTY FROM MICKLER DEVELOPMENT, LLC, AS DEVELOPER OF MEDITIERRA AT PONTE VEDRA FOR ADDITIONAL RIGHT-OF-WAY ON MICKLER ROAD

13. Motion to adopt **Resolution No. 2004-61**, authorizing the County Administrator to execute a Termination and Vacation of Easement from Winchester Properties, Inc., to St. Johns County for a Transportation Project for improvements to Greenbriar Road that has been completed

RESOLUTION NO. 2004-61

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TERMINATION AND VACATION OF AN EASEMENT FROM WINCHESTER PROPERTIES, INC., A TRANSPORTATION PROJECT FOR IMPROVEMENTS ON GREENBRIAR ROAD THAT HAS BEEN COMPLETED

14. Motion to adopt **Resolution No. 2004-62**, changing a road name from Trail Road to Richard Glen Drive

RESOLUTION NO. 2004-62

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CHANGING A ROAD NAME FROM TRAIL ROAD TO RICHARD GLEN DRIVE

15. Motion to adopt **Resolution No. 2004-63**, naming a private easement Lynhalla Lane

RESOLUTION NO. 2004-63

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING A PRIVATE EASEMENT LYNHALLA LANE

16. Motion to authorize the County Administrator to enter into agreement with Florida East Coast Railway for synchronization of signals at the intersection of Palencia /IGP/US-1; and motion to adopt **Resolution No. 2004-64**, recognizing unanticipated revenue in the amount of \$ 64,490 and increasing the expenditure budget of the Traffic & Transportation Department (1111-1125-54605) in the same amount

RESOLUTION NO. 2004-64

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

17. Proofs:
- a. Proof, Notice to Bidders, Bid No. 04-39
 - b. Proof, Notice to Bidders, Bid No. 04-50
 - c. Proof, Notice to Bidders, Bid No. 04-54
 - d. Proof, Notice to Bidders, Bid No. 04-60
 - e. Proof, Notice to Bidders, Bid No. 04-63
 - f. Proof, Notice to Bidders, Bid No. 04-65
 - g. Proof, Notice to Bidders, Bid No. 04-67
 - h. Proof, Notice to Bidders, Bid No. 04-68
 - i. Proof, Notice to Bidders, Bid No. 04-69
 - j. Proof, Notice of Meeting, Intergovernmental Committee, Wednesday, March 3, 2004 at 2:00 p.m., in the Airport Administration Building
 - k. Proof, Notice of Meeting, Sunshine Seminar, Friday, February 20, 2004 at 9:00 a.m.
 - l. Proof, Notice of Cancelled Meeting, Cancellation of Water and Sewer Authority Meeting, Wednesday, March 3, 2004 at 9:00 a.m.
 - m. Proof, Notice of Public Hearing, Adoption of Price Index, Wednesday, April 7, 2004 at 9:00 a.m.
 - n. Proof, Notice of Special Meeting, Evaluation Review, RFP No. 04-64, Wednesday, March 10, 2004 at 9:00 a.m.
 - o. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners, Attorney/Client Trust, Tuesday, March 16, 2004 at 8:00 a.m.
 - p. Proof, Notice of Public Hearing, Consideration of Grant Application, Tuesday, February 17, 2004 at 9:00 a.m.
 - q. Proof, Notice of Public Hearing, Consideration of Grant Application, Tuesday, March 16, 2004 at 9:00 a.m.
 - r. Proof, Certificate of Liability Insurance, Florida Highway Products, Inc.
 - s. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC
 - t. Proof, Certificate of Liability Insurance, South East Personnel Leasing
 - u. Proof, Certificate of Liability Insurance, Econosweep, Inc.

- v. Proof, Certificate of Liability Insurance, Jones, Edmunds & Associates, Inc.
- w. Proof, Certificate of Liability Insurance, Prosser Hallock, Inc.
- x. Proof, Certificate of Liability Insurance, Post, Buckley, Schuh & Jurnigan, Inc.
- y. Proof, Certificate of Liability Insurance, Southeast Turf Grass Supply, Inc.
- z. Proof, Certificate of Liability Insurance, Stone, Joca & Mahoney Consulting Engineers, Inc.
- aa. Proof, Certificate of Liability Insurance, Berryman & Henigar Enterprises
- bb. Proof, Certificate of Liability Insurance, Seaboard Waste Systems, Inc.
- cc. Proof, Certificate of Liability Insurance, Waste Services of Florida, Inc.
- dd. Proof, Certificate of Liability Insurance, W.W. Gay Mechanical Contractor, Inc.
- ee. Proof, Certificate of Liability Insurance, Lampe, Roy & Associates, Inc.

(04/06/04 - 6 - 9:30 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to add an item for discussion, regarding use of the County's auditorium for Law Day, as Item 10A.

(04/06/04 - 6 - 9:31 a.m.)

APPROVAL OF REGULAR AGENDA

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

(9:32 a.m.) Michael Hunt, Deputy County Attorney, entered the meeting.

(04/06/04 - 6 - 9:32 a.m.)

- 1A. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT UNDER BID NO. 04-69 WITH APAC-SOUTHEAST, INC. IN THE AMOUNT NOT TO EXCEED \$1,722,755.82, FOR 2004 ROADWAY MAINTENANCE PROJECT (*Formerly Consent Item #6*) (*Attachment B*)

Meiszer explained why he pulled this item, questioning why the bid for this contract was done so far into the fiscal year instead of at the beginning of the year. Adams replied that this was usually the time of year that they do these contracts. Joe Burch, Purchasing Director, stated that he agreed with Meiszer on getting these contracts out as soon as possible, preferably at the beginning of the year. He also stated that they would strive to get these contracts out earlier next year. Stern requested this item be pulled and rescheduled for a later date. Bosanko mentioned that he had heard some complaints about the company bidding for this contract, and asked that this be delayed at least one week, maybe two, so they could have time to look into it. He also suggested that the contract be prepared to include the provision, that if they do find there is a violation, the County could take appropriate action. Maguire spoke on the violations against the company. Bosanko stated that there had been a review due to complaints in the area. Jacalone mentioned that there were people in the area who were not happy about the asphalt plant being there. Discussion followed on the company's violations.

(9:40 a.m.) David Church, Division President for APAC, stated that this contract was very important to their company, and that they would be glad to delay this contract for a week. Jacalone asked what was being reviewed now and Church responded. Meiszer asked about the tests that were being done and Church spoke on the tests that were done. Discussion followed on an inspection that had been done, the contract involving

ST. JOHNS COUNTY
BID TABULATION



OPENED BY
 LEIGH DANIELS

TABULATED BY
 SARAH BARNETT

VERIFIED BY

PAGE (S) 1 OF 1 PAGE (S)

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BID TITLE
 2004 ROADWAY MAINTENANCE PROJECT

BID NO. 04-69

OPENING DATE/TIME
 MARCH 24, 2004 3:00 P.M.

POSTING TIME/DATE
 03/24/2004 4:00 PM UNTIL 03/29/2004 4:00 PM

Regular 1A
 4/6/04

BIDDERS	TOTAL COLUMN "E" BID	ADDENDUM #1	BID BOND			
DYVAL ASPHALT PRODUCTS	\$1,749,450.00	✓	✓			
APAC-SOUTHEAST, INC.	\$1,722,755.82	✓	✓			
ATLANTIC COAST ASPHALT CO.	\$2,212,627.90	✓	✓			

Attachment "B"

BID AWARD DATE - _____

the asphalt plant, the DEP issues and the asphalt plant. *Stern directed Adams to reschedule this item for April 20, at 9:00 a.m.*

(04/06/04 - 7 - 9:52 a.m.)

- 1B. MOTION TO APPROVE THE TRANSFER OF \$16,974 FROM COURT FACILITIES TRUST FUND RESERVE (1301-59920), \$3,318 TO BUILDING IMPROVEMENT FUND (1301-56300) AND \$13,656 TO OPERATING SUPPLIES (1301-55200) TO COMPLETE RENOVATIONS TO THE NEW COURTROOM (Formerly Consent Item 9)

Meiszer explained why he pulled this item, asking when the County Commission approved the courtroom construction. Joe Vonasek, Director of the Office of Management and Budget, responded that this had been on going for about a year now. Meiszer questioned why Judge Mathis requested the things for the courtroom. Vonasek replied that the design of the courtroom, and its facilities, was the product of the Judge's office and they decided what they wanted there. Meiszer asked who did the work and Vonasek replied that it was done through the County Construction Office. (9:55 a.m.) **Motion by Meiszer, seconded by Maguire, carried 5/0, for approval of the request for the \$16,974 for this project.**

(9:55 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to continue Consent Item 6, Bid No. 04-69, with APAC Southeast to April 20.**

(04/06/04 - 7 - 9:55 a.m.)

- 1C. APPROVAL OF THE CASH REQUIREMENT REPORT (Formerly Consent Item 1)

Jolie Tillis, Assistant Finance Director, asked for permission to change the original Cash Requirements Report. She explained that their system gathered two weeks worth of information, processing payables, because they did not have a check run last week due to there not being a Commission meeting. Inadvertently Staff sent over only one weeks worth of the checks that needed to be cut, so they needed to add the second week to the list. (9:57 a.m.) **Motion by Meiszer, seconded by Bryant, carried 5/0, for approval of the Cash Report as submitted.** Tillis left the meeting.

(04/06/04 - 7 - 9:57 a.m.)

1. CONSIDER A MOTION TO GRANT FREE USE OF SPACE AT THE ST. JOHNS COUNTY CONVENTION CENTER, TO HOLD THE GUS CRAIG AWARD DINNER, ON THURSDAY, AUGUST 26, 2004 FROM 8:00 A.M. UNTIL 8:00 P.M.

Dena Masters, Office Manager TDC, reviewed this item. (9:58 a.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to grant free use of space at the St. Johns County Convention Center, to hold the Gus Craig Award Dinner, on Thursday, August 26, 2004 from 8:00 a.m. until 8:00 p.m.**

(04/06/04 - 7 - 9:58 a.m.)

2. CONSIDER A MOTION TO OFFER ECONOMIC DEVELOPMENT INCENTIVES TO BFE, INC.

Karen Johnson, Intergovernmental Relations Specialist, gave a presentation on the offer of economic development incentives to BFE, Inc. Jacalone asked who approved the information that the applicant provided on how they would meet the incentive. Johnson replied that the Economic Development Agency which consisted of Ted Zebrowsky and Michael Hunt. (10:02 a.m.) Ted Zebrowsky, Intergovernmental Relations, explained who the members of the agency were, and how the contract was done. Jacalone asked what would happen if they did not do what they said they would

do. Hunt responded that incentives were paid on a year-by-year basis, if requirements were not met, they would not receive the incentives. (10:06 a.m.) **Motion by Jacalone, seconded by Maguire, to adopt the attached incentive calculation of \$23,963, and instruct the County Attorney to prepare an agreement.**

(10:06 a.m.) Eric Nord, San Jose Blvd., Jacksonville, thanked the Board for considering this motion and if approved, looked forward to moving to St. Johns County. **The motion carried 5/0.** Johnson asked, if once the agreement was completed, if they could place it on a future Consent Agenda. Stern replied that she thought that would be appropriate.

(04/06/04 - 8 - 10:08 a.m.)

3. CHAMBER OF COMMERCE QUARTERLY ECONOMIC DEVELOPMENT UPDATE

Kari Hall Keating, Director of Economic Development, gave an update by giving a presentation, Exhibit A. She spoke on what they were doing well in, on recruitment, and helping existing businesses. Maguire spoke on addressing Workmen's Compensation and Jacalone spoke on expedited permitting.

(04/06/04 - 8 - 10:28 a.m.)

4. TO ANNOUNCE THAT A PUBLIC WORKSHOP WOULD BE HELD ON APRIL 15, 2004, FROM 5:00 P.M. TO 8:00 P.M. AT THE BARTRAM TRAIL LIBRARY AND ENCOURAGE COUNTY RESIDENTS TO PARTICIPATE IN VOLUNTEER ACTIVITIES THAT PROMOTE POLLUTION PREVENTION IN THE COUNTY'S STORM SEWER SYSTEM

Debbie Kristiansen, Environmental Coordinator, Engineering Division, invited the Board and County residents to a workshop on April 15th. She explained what would be addressed at the workshop.

The meeting recessed at 10:34 a.m. and reconvened at 10:46 a.m. with Strickland no longer in attendance.

(04/06/04 - 8 - 10:46 a.m.)

5. CONSIDER A MOTION TO AUTHORIZE A MEDICARE REPAYMENT IN THE AMOUNT OF \$75,796.29

Robert Hall, Jr., Fire-Rescue Chief, gave a brief history on the Medicare repayments. Jacalone spoke on there being a strong indication of being overpaid by Medicare and advised paying them now to avoid interest payments, and then reviewing it for discrepancies. Maguire asked who did the audit. Hall replied that Medicare did the audit. Maguire asked if there was a copy of the whole audit. Hall responded no, but he would request it. Maguire requested to have Mark Quindoza come and talk to the Board regarding the letter he wrote about the County being at fault, when they followed directions. Hall replied that he could make that request. Meiszer suggested having Medicare take the overpayment out of future payments. Hall replied that Medicare mentioned in the letter about withholding future payments, but that 12% interest would be applied until the money was paid back. (10:57 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to authorize a Medicare repayment in the amount of \$75,796.29, from the General Fund Reserves.** Discussion followed on the repayment, doing an appeal, if needed, and checking the account to make sure there was an overpayment and the total amount.

(04/06/04 - 9 - 11:01 a.m.)

6. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE SHERIFF ENTERING INTO AN EQUIPMENT LEASE/PURCHASE AGREEMENT AND A COMMITMENT LETTER WITH WACHOVIA

Joe Vonasek, Director of the Office of Management and Budget, reviewed this item. (11:02 a.m.) Michael Hunt, Deputy County Attorney, entered the meeting. Meiszer commented on the Sheriff being required to lease equipment, and there being no evidence that it's in the public interest to lease the equipment. He pointed out that the agreement was dated April 1st, and that today's date was April 6th, so the Board would be approving something on the sixth, which became effected on the first. He questioned whether the County Commission had any legal authority to authorize the Sheriff to do anything, and stated that the County Administrator was the proper official for the County Commission to authorize executing agreements on their behalf. He stated that there was nothing in the package that told them the number of vehicles, or the cost per vehicle. Vonasek explained that the budget did not include that information. Meiszer stated that it would be nice to know how many vehicles they were getting for the money. Meiszer questioned how the vehicles were being leased. Vonasek replied that the Sheriff's representative would be able to respond to the questions on the contract. Meiszer mentioned that they had not been given a copy of the agreement, or the letters, and according to the Resolution they were approving them. Vonasek replied that he gave the Board copies of the agreement and the letters at the beginning of the meeting. Meiszer also mentioned that the opinion of counsel was from the lessee, and that he would feel better if they had an opinion from the County Attorney. Hunt responded that technically, the County Attorney's Office was not the counsel for the Sheriff's Office and therefore, as an attorney, he could not sign an Opinion Letter for them. Maguire voiced concern with buying vehicles without warranties.

(11:14 a.m.) Becky Hesson, 4015 Lewis Speedway, Sheriff's Office, spoke on the lease/purchase agreement. She stated that they were told that Wachovia would not fund the loan without the Resolution. She mentioned that there were 53 vehicles to be purchased for that amount. Jacalone asked if this was a new requirement, and lender, regarding needing to get the Commission's authorization. Hesson replied yes. (11:16 a.m.) *Motion by Jacalone, seconded by Bryant, to adopt Resolution No. 2004-64.* Maguire voiced concern about the legal connection that they had with this and any ramifications of them having a legal tie in. He stated that he was concerned about making Findings of Fact that he did not agree with because of not having the data. Hunt responded that the Resolution could be revised, or not approved. Discussion followed on the Resolution being drawn up by Wachovia Bank. Bosanko advised the Commissioners that if they did not agree with the Findings of Fact, they should not vote for it. Discussion followed on the bank wanting a confirmation that the funding authority approved of the department they funded; the vehicles having warranties; the contract being the same one that was done every year, except for the Resolution; and changing the dates to conform with the approval. Stern stated for the record that there was a motion on the floor to adopt Resolution No. 2004-65, not 64. Bosanko asked for a recess to check out one item. Stern suggested moving this item to the end of the morning. *Jacalone withdrew his motion and the second was withdrawn.* (11:25 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to move this item to the end of the morning.**

The meeting moved to Item 7.

(12:04 p.m.) Hunt, continuing with Item 6, stated that there was a revised Resolution and that he would be glad to answer any questions about it. Discussion followed on the changes: in the second line, the Board of County Commissioners have no objections to

the Sheriff signing the agreement and letter; and in the first “whereas” clause the word “required” was taken out. (12:05 p.m.) **Motion by Jacalone, seconded by Bryant, to adopt Resolution No. 2004-65, the updated version that the Attorney had provided.**

(12:05 p.m.) Mike Givens, representing the Sheriff’s Office, clarified that there was no loan, the loan would be pending these approvals. **The motion carried 5/0.**

RESOLUTION NO. 2004-65

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE LEASE/PURCHASE OF CERTAIN CAPITAL EQUIPMENT BY THE SHERIFF OF ST. JOHNS COUNTY

The meeting moved to Item 10A.

(04/06/04 - 10 - 11:26 a.m.)

7. CONSIDER A MOTION TO DIRECT THE COUNTY ADMINISTRATOR TO EXECUTE THE UNIT CONNECTION FEE MORTGAGE MODIFICATION AND AGREEMENT TO SETTLE CASE NO. CA 01-2513 - WHISPERING OAKS GARDENS

Frank Kenton, St. Johns County Utility Department, reviewed this item and distributed a change to it. He stated that the change was on page 2, in paragraph 3, with the dollar amount being reduced from \$26,266.60 to \$26,000.00, and also the principal sum reduced from \$34,266.60 to \$34,000.00. (11:28 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to direct the County Administrator to execute the Unit Connection Fee Mortgage Modification and Agreement to settle Case No. CA 01-2513.**

(11:29 a.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to alter the Agenda and take Item 10 now, then 8 and 9 following.**

The meeting moved to Item 10.

8. UPDATE AND REPORT ON BEACH SERVICES

This item was moved to the afternoon.

9. UPDATE ON THE CURRENT STATUS OF THE ST. JOHNS COUNTY GOLF COURSE

This item was moved to the afternoon.

(04/06/04 - 10 - 11:31 a.m.)

10. PRESENTATION OF FLAGLER HOSPITAL’S VISION FOR A PRIMARY CARE CLINIC DESIGNED TO PROVIDE QUALITY, TIMELY HEALTH CARE DELIVERY TO UNINSURED CITIZENS OF ST. JOHNS COUNTY

Joseph Gordy, President of Flagler Hospital, gave a presentation on Flagler Hospital’s vision for a Primary Care Clinic, which was designed to provide high quality, timely health care delivery to uninsured citizens of St. Johns County. Bryant spoke on bridging the primary care until they decided what they were going to do in the future and he stated that the application should originate in the Health Department. He also spoke on the budgeting and funding of the Health Department. Meiszer asked about

the FQAC Operation requiring an independent corporation. Gordy replied that Health Departments could be the applicant. Meiszer stated that he would prefer to see the Health Department, or the County, as the applicant and he asked if the patients would be seen by the same service provider. Gordy responded that it would be set up like a doctor's office. Bryant spoke on getting a medical home for chronic patients. Gordy spoke on the added community benefits for setting up the clinic this way. He requested authorization for the County Administrator to transfer the responsibility from the Health Department to Flagler Hospital, so they could write a contract for the remainder of the fiscal year. Jacalone mentioned needing some kind of an agreement between St. Johns County and Gordy, as the provider. (11:58 a.m.) **Motion by Jacalone, seconded by Maguire, to direct Staff to formulate an agreement, bring it back before this Board and get that going.** There was discussion regarding having an agreement by tomorrow's special meeting. Bosanko responded that they could not have an agreement by tomorrow that would cover all the details. **The motion carried 5/0.** Gordy spoke on the Medicare program. Bryant spoke on the billing.

The meeting returned to Item 6.

(04/06/04 - 11 - 12:07 p.m.)

10A. USE OF COUNTY AUDITORIUM ON MONDAY, MAY 3RD, FOR A LAW DAY
MOCK TRIAL

Bosanko stated that this request was for the use of the County's Auditorium on May 3rd, for the Law Day Mock Trial, which was a standard event that had been approved many times. He explained that the mock trial was to teach young students about how the legal system worked. He mentioned that Isabelle Lopez was now an officer in the St. Johns County Bar Association and had been very instrumental in putting this together. (12:08 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to grant the use of the auditorium for the Law Day Mock Trial, on Monday, May 3rd, 2004.**

Stern mentioned moving Reports to the end of the day, and that Items 8 and 9 would be heard at 1:30 p.m.

The meeting recessed at 12:08 p.m. and reconvened at 1:37 p.m. with Stern, Bryant, Maguire, Meiszer, Jacalone, Bosanko Adams and Diane Gorski, Clerks office present.

(04/06/04 - 11 - 1:38 p.m.)

8. UPDATE AND REPORT ON BEACH SERVICES

Dave Williams, Aquatics Superintendent, reviewed the Beach Services 2003 Annual Report. He stated that 2003 had the highest beach usage and had been the safest year on record. He explained that the beach water quality was safe and that the Health Department checked the beach water quality in eight different sites around the County. He noted that there had never been a beach closure due to poor water quality. He reviewed Beach Toll Operations and the implementation of a Customer Service Plan with standards and a Revenue Control Program that had lowered the cost of providing the Toll Collection Service ten percent over the past five years. He declared that the beach had experienced the busiest spring ever on record. He mentioned that a complete Beach Traffic Control Program would soon be implemented. Williams also stated that staff had initiated a Contractor Control Program to ensure that the beaches and restrooms were kept clean and safe. He reviewed the Beach Renourishment and Lifeguard Services. He announced that the Sea Turtle Protection Plan had been successful. He asserted that the Department had provided a dedicated staff to ensure compliance with the Lighting Management Plan and the County Beach Code. Williams updated the Board on the Beach Renourishment Program. He reviewed the Life Guard

Services Program and explained that recurring staff had been provided with an interactive training CD. He stated that lifeguard towers were being placed and that beginning Labor Day weekend, the towers would be staffed seven days a week through Labor Day. (1:48 p.m.) Jacalone questioned Williams about the Beach Renourishment Program. Williams explained that the plan had been successful. Jacalone requested an evaluation and recommendation from staff regarding beach access. (1:51 p.m.) Bryant asked if progress had been made regarding beach access, driving and parking areas. Williams stated that a Traffic Control Policy would be in effect soon. (1:53 p.m.) Discussion ensued.

(04/06/04 - 12 - 2:01 p.m.)

9. UPDATE ON THE CURRENT STATUS OF THE ST. JOHNS COUNTY GOLF COURSE

Wes Tucker, Golf Course Manager, reviewed the findings of a rate comparison study involving the County Golf Course and same size privately owned courses in the county. He stated that the County weekday rate was comparable, and that the weekend and twilight rates charged by the County were lower than other golf courses in the study. He stated that an advertising campaign had been started two years ago, and more time and effort had been spent on advertising. He mentioned advertising in newspapers, magazines and local radio and explained that the County Golf Course Website (<http://www.sjc.gc.com>) had provided positive results. Tucker explained the player count graph which contained historical background from 1992 through projected 2004. He reviewed the financial state of the Golf Course. He mentioned that approval on a permit from the Water Management District was needed to begin a drainage project and that parking lot improvements would begin sometime in May. (2:08 p.m.) Jacalone questioned whether or not the Golf Course would break even financially this year. Tucker responded that if weather permitted no loss would be incurred. Jacalone asked the cost of the drainage and parking lot projects. Tucker stated they were \$451,000 and that the money was included in the budget. Jacalone requested an update on the status of the Restaurant and Concessionaire and asked if the Pro Shop and Restaurant area could be reconfigured. Tucker stated that there were future plans to redesign the Clubhouse area. Discussion regarding the cost of a round of golf ensued. Jacalone stated that he would do his own survey and report his findings to Tucker.

(04/06/04 - 12 - 2:12 p.m.)

11. PUBLIC HEARING - ZONING NON-ZONING VARIANCE SK LOGISTICS - THE REQUEST IS A ZONING NON-ZONING VARIANCE TO ALLOW AN INCREASE IN ALLOWABLE SIGNAGE AT 121 HAWKEYE VIEW LANE, ST. AUGUSTINE AIRPORT. THE APPLICANT, SK LOGISTICS, INC. REQUESTS THE PLACEMENT OF TWO SIGNS AT 60 SQ. FT. EACH AND 1 SIGN AT 206 SQ. FEET. THE USE OF THE BUILDING IS AN AIRPORT HANGAR AND THE BUSINESS LOCATED AT THIS ADDRESS IS AN AVIATION CHARTER BUSINESS.

Proof of Publication of Public Hearing on File # ZNZAR 03-04, 121 Hawkeye View, was received, and having been published in The Saint Augustine Record on March 19, 2004.

Rosemary Yeoman, Zoning Manager, reviewed the applicant's request for sign size adjustment and placement. She stated that staff had reviewed the request and recommended that the Board deny the request and maintain the current standards set forth by the Land Development Code. (2:16 p.m.) Bryant asked if the Airport District zoning classification had been modified. Yeoman stated that no zoning changes had been made. (2:17 p.m.) Scott Clem, Director, Growth Management stated that zoning changes would be reflected in the amended Land Development Code which would be

reviewed by the Commission at a later date. (2:18 p.m.) Jacalone requested clarification on the sign location. (2:19 p.m.) Meiszer stated that the sign should be viewable by passers by on U.S. 1. He asked that the airport remove the two huge billboard signs. (2:21 p.m.) Bryant mentioned that the airport authority had planned on removing the billboards in question at a future date.

(2:22p.m.) Bryant motioned, Stern seconded, carried 5/0, to approve non-zoning variance to Section 7.00.02B, finding the request to support the required findings of fact.

(04/06/04 - 13 - 2:23 p.m.)

12. PUBLIC HEARING - AMENDMENTS TO ARTICLE IX, ARTICLE XI, APPENDIX A, APPENDIX E, AND APPENDIX F OF THE LAND DEVELOPMENT CODE - THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE ARTICLE IX, ARTICLE XI, APPENDIX A, APPENDIX E, AND APPENDIX F. SPECIFICALLY, ARTICLE IX IS PROPOSED TO BE AMENDED TO DELETE THE ORDER OF HEARINGS FOR QUASI-JUDICIAL HEARINGS. THE CONDUCT OF THE HEARINGS IS NOT A LAND DEVELOPMENT REGULATION AND WOULD MORE APPROPRIATELY BE OUTLINED IN THE BOARD'S RULES AND PROCEDURES AND NOT THE LAND DEVELOPMENT CODE. ALSO, THE NOTICE PROVISIONS FOR MAILED NOTICES IS PROPOSED TO BE AMENDED TO ALLOW FOR A 90 DAY TIME PERIOD BETWEEN THE 10 DAY NOTICE REQUIREMENT AND THE DATE THAT THE LIST OF ADJACENT PROPERTY OWNERS MUST BE PREPARED. THE PROPOSED AMENDMENTS ALSO ALLOW THAT THE SAME LIST OF ADJACENT PROPERTY OWNERS MAY BE USED FOR THE PUBLIC HEARINGS FOR BOTH THE PLANNING & ZONING AGENCY AND THE BOARD OF COUNTY COMMISSIONERS. THE PROPOSED AMENDMENTS TO ARTICLE XI INCLUDE PROVISIONS FOR DEVELOPMENTS OF REGIONAL IMPACT (DRIS) THAT USE THE "PIPELINING" PROVISIONS OF FLORIDA STATUTES. ALSO, DEVELOPMENT PROJECTS THAT APPLY FOR A STRAIGHT REZONING MAY BE ABLE TO APPLY FOR CONCURRENCY FOR THE TYPE AND INTENSITY OF THE SPECIFIC PROJECT BEING PROPOSED, RATHER THAN THE MOST INTENSE LAND USE THAT THE ZONING CATEGORY PROVIDES. THE PROPOSED AMENDMENTS ALSO INCLUDE A TOLLING PROVISION FOR DEVELOPMENT PROJECTS THAT ARE SUBJECT TO LITIGATION WHERE THE APPLICANT IS A DEFENDANT IN THE LITIGATION AND THE PLAINTIFF(S) ARE NOT GOVERNMENTAL AGENCIES

Proof of Publication of Public Hearing on Amendments to the Land Development Code was received and having been published in The St. Augustine Record on March 12 and March 26, 2004.

Scott Clem reviewed the amendments. (2:24 p.m.) Meiszer questioned the language regarding the land usage restrictions. He asked how specific the requests would need to be regarding use of commercially zoned property. Clem stated that the zoning would be determined by analyzing the impact in the area. He mentioned that there would be a wide range of uses permitted. (2:30 p.m.) Bosanko clarified that an applicant would get a zoning category for their property and that there would be multiple uses allowed. He stated that land use would be limited to what the applicant had received certification for, and that it might not be for the most intense usage of the

land. He explained that if the applicant wanted to change the land use, they would need to obtain a new certificate of concurrency, but that the zoning would remain the same. Bosanko said that he had made revisions in the wording for clarification purposes. (2:32 p.m.) Jacalone mentioned that there were no changes in the Land Development Code that would affect the allowed usages within commercial zoning classification. He stated that traffic impacts and concurrency requirements would be calculated on the actual use of the land. Clem concurred. (2:34 p.m.) Meiszer asked what site specific rezoning meant. Clem stated that it meant a defined property. Discussion ensued. (2:37 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, objected to any revisions to concurrency in the Land Development Code. (2:40 p.m.) Maguire motioned, seconded by Bryant, carried 5/0, to enact Ordinance 2004 -22, amending Article IX, Article XI, Appendix A, Appendix E, and Appendix F of the Land Development Code.

ORDINANCE NO. 2004-22

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF THE ARTICLE IX, ARTICLE XI, APPENDIX A, APPENDIX E AND APPENDIX F OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY THIS ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING PART 9.06.00 HEARINGS; SPECIFICALLY REVISING SECTION 9.07.04 APPEALS FROM DECISIONS OF THE ARCHITECTURAL REVIEW COMMITTEE; AMENDING PART 11.00.00 GENERAL PROVISIONS; SPECIFICALLY REVISING SECTION 11.00.01 APPLICABILITY/APPLICATION PERIOD; AMENDING PART 11.02.00 CONCURRENCY REVIEW SYSTEM; SPECIFICALLY REVISING SECTION 11.02.01 APPLICABILITY; AMENDING PART 11.03.00 DETERMINATION OF CONCURRENCY; SPECIFICALLY REVISING SECTION 11.03.02 CATEGORIES OF CONCURRENCY REVIEW; REVISING SECTION 11.03.03 CONSISTENCY OF PHASED PROJECTS WITH FINAL CERTIFICATES OF CONCURRENCY; REVISING SECTION 11.03.04 EFFECT OF DETERMINATION OF CONCURRENCY FOR PRELIMINARY DEVELOPMENT PERMITS; REVISING SECTION 11.03.08 MODIFICATION OF APPROVED PROJECTS WITH FINAL CERTIFICATES OF CONCURRENCY; AMENDING APPENDIX A; SPECIFICALLY REVISING TABLE 1 ST. JOHNS COUNTY P.M. PEAK HOUR TRIP RATE AND PERCENT NEW TRIP DATA; AMENDING APPENDIX E ROADWAY FUNCTIONAL CLASSIFICATIONS; SPECIFICALLY REVISING THE LIST OF MAJOR COLLECTORS AND MINOR COLLECTORS; AMENDING APPENDIX F; SPECIFICALLY REVISING THE ROADWAY ACCESS CLASSES; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

(04/06/04 - 15 - 2:40 p.m.)

13. PUBLIC HEARING - COMPAMD 2004-02 SIX MILE CREEK OUTPARCELS - THIS PROPOSED COMPREHENSIVE PLAN AMENDMENT CONSTITUTES A MAP AMENDMENT TO THE 2015 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM RESIDENTIAL A TO SAINT JOHNS DRI. THIS IS A DRI-RELATED AMENDMENT AS ALLOWED BY FLORIDA STATUTE SECTION 380.06(16). EXISTING CONDITIONS: THE OUTPARCELS: PHILPOTT AT 10.08 ACRES AND LAMBERT AT 7.60 ACRES ARE LOCATED WITHIN THE SIX MILE CREEK PUD, IN THE SIX MILE CREEK NORTH SECTION, GENERALLY LOCATED SOUTH OF SR 16, WEST OF PACETTI ROAD AND NORTHEAST OF JOE ASHTON ROAD. THE OUTPARCELS ARE BOUNDED ON THE WEST BY SIX MILE CREEK AND THE FPL TRANSMISSION LINE. THE PHILPOT OUTPARCEL IS VACANT AND THE LAMBERT OUTPARCEL CONTAINS A 20-YEAR OLD HUNTING SHACK. PROPOSED COMPREHENSIVE PLAN AMENDMENT: THIS IS A PROPOSED COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL A TO SAINT JOHNS DRI. THE OUTPARCELS ARE REQUESTED TO BE DESIGNATED AS SINGLE FAMILY ESTATE (SFE) WITH A MAXIMUM DENSITY OF 3.2 UNITS PER ACRE. THE DRI CURRENTLY CONTAINS 7,200 DWELLING UNITS. THE UNITS TO BE ALLOCATED TO THE OUTPARCELS WILL NOT INCREASE THIS NUMBER OF UNITS. THE APPLICANT IS PROPOSING TO INCORPORATE THE SUBJECT PROPERTY INTO THE SIX MILE CREEK PUD

Proof of Publication of Public Hearing to consider a proposed amendment to the future land map of the St. Johns County 2015 Comprehensive Plan, Six Mile Creek, was received, having been published in *The St. Augustine Record* on March 12, 2004.

Nicole Cubbedge reviewed the amendment. She explained that the out parcels were requested to be designated as Single Family Estate with a maximum density of 3.2 units per acre, which is a designation within the St. Johns County Development of Regional Impact (DRI) and that these parcels would be incorporated into the Six Mile Creek PUD. She explained the transmittal process through DCA. She stated that the request had been submitted to all of the appropriate reviewing departments and that there were no outstanding comments. Cubbedge explained that the Planning and Zoning Agency heard this item at their April 1, 2004 meeting and recommended that the Board transmit, without review with a 7/0 vote. (2:46 p.m.) Maguire mentioned that the majority of the acreage was wetlands, and that most of the land would not be developed. (2:48 p.m.) Motion by Jacalone seconded by Bryant, to approve Transmittal COMPAMD 2004-02 Six Mile Creek Out parcels to the Florida Department of Community Affairs to not request additional review of the application to amend the 2015 Comprehensive Plan. Meiszer requested clarification on the DCA reviewing process, and Metcalf explained the procedure. Motion carried 5/0 at 2:51 p.m.

(04/06/04 - 15 - 2:51 p.m.)

14. PUBLIC HEARING - SANDY CREEK COMMUNITY DEVELOPMENT DISTRICT PETITION - THE SANDY CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD) IS PROPOSED FOR THE SANDY CREEK PUD WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON AUGUST 19, 2003 PURSUANT TO ORDINANCE 2003-67. THE CDD COVERS APPROXIMATELY 499 ACRES OF LAND LOCATED EAST OF I-95 APPROXIMATELY ½ MILE SOUTH OF C.R. 210, WITH ACCESS TO BE PROVIDED VIA THE EXTENSION OF KOA ROAD. THE CDD BOUNDARY IS COTERMINOUS WITH THE PUD BOUNDARY. THIS MIXED USE PROJECT HAS BEEN APPROVED AND PLANNED FOR UP TO 818 RESIDENTIAL

UNITS OF WHICH UP 376 UNITS MAY BE MULTI-FAMILY AND 442 UNITS MAY BE SINGLE FAMILY, AND UP TO 487,000 SQUARE FEET OF LIGHT INDUSTRIAL USES CONTINGENT UPON THE DEVELOPER PROVIDING FOR ANOTHER ACCESS POINT TO THE PUD IN ADDITION TO KOA ROAD. IN ADDITION, THERE WILL BE 16 ACRES OF ACTIVE RECREATION INCLUDING A 6 ACRE COMMUNITY PARK

Proof of publication of Public Hearing for establishment of the Sandy Creek Community Development District was received, having been published in *The St. Augustine Record* on March 8, March 15, March 22, and March 29, 2004.

Bruce Ford presented the request to establish the Sandy Creek CDD. He explained the scope of the project. He stated that the CDD had proposed to fund internal roadways, which would be owned and maintained by St. Johns County water and sewer facilities, which would be owned and maintained by JEA and recreation and security facilities to be owned and maintained by the CDD. He stated that the CDD processing group reviewed the petition and found that it would be sufficient. He summarized the six factors used to review the CDD request. (2:55 p.m.) Meiszer questioned access onto CR 210. Ford stated that the applicant was aware that exit from the property would only be to the East and that traffic coming from the east to enter Sandy Creek would have to go under the overpass, make a u-turn and double back to the development. Meiszer verified that there would not be a median opening at the entrance, Ford concurred. (2:56 p.m.) Ex parte declared by Maguire with Sandy Semanik to discuss CDD issues, concepts and ideas. (2:58 p.m.) Stern declared ex parte with Sandy Semanik and stated that they had discussed Sandy Creek. (2:58 p.m.) Jonathon Johnson, 123 South Calhoun Street, Tallahassee, addressed the board and stated that the applicant was familiar with the additional disclosure obligations and that they would abide them. (2:58 p.m.) Bosanko stated that there had been substantial, pre-filed testimony and Johnson replied that there was public testimony on file. Bosanko explained that in order to back up findings of fact, they had testimony that had been pre-filed. (2:59 p.m.) Jacalone questioned the access to the project. Johnson mentioned that there were planned improvements for KOA Road included in the project. Jacalone asked how many units had been approved in the PUD and Johnson replied that four hundred and nine units were approved with the current access. Discussion ensued. (3:03 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition to the petition to approve the Sandy Creek Community Development District. (3:06 p.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to approve Ordinance 2004-23, approving the petition for Sandy Creek Community Development District, adopting Findings of Fact to support the motion.**

(04/06/04 - 16 - 3:06 p.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer

Meiszer mentioned the article in the St. Augustine Record, regarding free summer camp provided to the children in St. Johns County and questioned the application procedure. (3:09 p.m.) Dan Weimer, Parks and Recreation Director, explained that the sign up procedure was fair to all and that no child would be turned away. He stated that there were many locations offering free camp and that some parents were not willing to accept an alternate location.

(3:12 p.m.)
Commissioner Maguire

Maguire expressed concern about the School Board's choice of location for the new High School in Ponte Vedra at the Talbot Site and requested a concurrency report from Scott Clem. (3:14 p.m.) Ben Adams stated that there would be a joint board workshop scheduled for April 21, 2004. Maguire requested a report on the \$500,000 cost of lighting in the Northwest school site. Weimer stated that the county would retain two of the fields and that the cost would be reduced once the light poles were relocated. Discussion ensued.

(3:16 p.m.)
Commissioner Stern

Stern requested permission be granted to the Jacksonville Legal Aide for the use of the County Auditorium to hold legal aid clinics to be held on the first Monday of each month from 5:30 -8:30 p.m., free of charge and open to the public. Discussion ensued. There was a consensus of the Board that if a County function required the auditorium for a public meeting, the free clinic would need to be rescheduled.

Stern mentioned the Joint School Board meeting scheduled for April 21, 2004 and that Adams office would soon be requesting items to be added to the agenda. She explained that she had spoken with Adams about the Swiss Point Middle School lighting and playing field situation and that she would still like to have that added to the Joint School Board meeting agenda.

(3:20 p.m.)
Commissioner Jacalone

Jacalone mentioned that Debra Duval, First Street, sent him an email regarding the property formerly known as Windswept Acres and use of the property. He requested that the area be secured. Weimer stated that the problem was being addressed.

(3:22 p.m.)
Commissioner Bryant

Bryant stated that he would be entertaining Rusty Roberts from congressman Mica's office on Thursday.

(04/06/04 - 17 - 3:23 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams explained that glass recycle bins had been placed throughout the county and that many locations were now operational. He stated that a location in the St. Augustine South area was still being sought. He announced that the Joint School Board meeting would be held on April 21, 2004 at 9 a.m. at the Supervisor of Elections' Conference Room and that there would be a Special Meeting for a budget update regarding Capital Improvement Project requests on April 7, 2004 at 2:30 p.m. in the County Auditorium.

(04/06/04 - 17 - 3:25 p.m.)
COUNTY ATTORNEY'S REPORT

No report

(04/06/04 - 17 - 3:25 p.m.)
CLERK OF COURT'S REPORT

No Report.

Motion by Bryant, seconded by Jacalone, carried 5/0 to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 3:25 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register; approving check number 348650 through 349018, totaling \$1,559,990.91 (03/23/04)

CORRESPONDENCE:

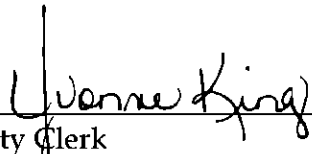
1. Letter dated March 9, 2004 to Liz Cloud, Chief, Bureau of Administration Code, filing St. Johns County Ordinance Numbers 2004-18 through 2004-21

Approved April 20, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

