

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 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: Karen Stern, District 2, Chair
 Bruce Maguire, District 4, Vice Chair
 Nicholas Meiszer, District 1
 James E. Bryant, District 5
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, County Attorney
 Yvonne King, Deputy Clerk

Marc Jacalone, District 3, arrived later in the meeting.

Also present were: Cheryl Strickland, Clerk of Courts; Allan MacDonald, Finance Director

(04/27/04 - 1 - 9:10 a.m.)
CALL TO ORDER

Chair Stern called the meeting to order.

(04/27/04 - 1 - 9:10 a.m.)
Bryant gave the Invocation and Maguire led the Pledge of Allegiance.

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

The Chair announced that all Commissioners were present, with the exception of Jacalone.

(04/27/04 - 1 - 9:12 a.m.)
PROCLAMATION DESIGNATING APRIL 26-30, 2004, AS RECORDS & INFORMATION MANAGEMENT WEEK

Meiszer read the proclamation designating April 26-30, 2004, as Records and Information Management Week; then, presented it to Kerry Ann Kissinger. Strickland and Kissinger addressed the public regarding the importance of records management.

(04/27/04 - 1 - 9:16 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to accept the proclamation designating April 26-30, 2004, as Records and Information Management Week.

(04/27/04 - 1 - 9:16 a.m.)
PUBLIC COMMENTS

Don Beattie, 808 Mill Pond Court, addressed the Board regarding a countywide transportation plan. Discussion followed on a countywide transportation plan.

(9:23 a.m.) Raymond Wittnaben, 4816 Las Flores Court, Elkton, addressed a situation in his neighborhood (Coquina Crossing Subdivision) regarding accommodations for the elderly that were not being made.

(9:29 a.m.) Daniel MacDonald, 24501 Deer Trace Drive, Ponte Vedra Beach, read a Resolution from the Ponte Vedra Beaches Coalition, regarding the administration of the Northeast Coastal Corridor Overlay Ordinance.

(9:32 a.m.) Marcy Silkebaken, 11455 Neck Road, addressed Agenda Item #9 in the morning because she would not be able to attend the hearing in the afternoon. She expressed the support of the Palm Valley Community Association of the small scale amendments to the Comp Plan for Micklers Bend, File #CPA(SS)2004-01, if the developer addressed the intersection of Mickler Road and A1A, as well as, including a tree survey in the PUD Ordinance.

(9:35 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, addressed Agenda Item #9 in the morning because she would not be able to attend the hearing in the afternoon. She expressed the support of the Palm Valley Community Association of the small scale amendments to the Comp Plan for Micklers Bend, File #CPA(SS)2004-01 if the developer addressed the intersection of Mickler Road and A1A, as well as, including a tree survey in the PUD Ordinance.

(9:36 a.m.) Phyllis Abbatiello, 1133 River Birch Road, Fruit Cove, displayed photographs to show how certain roadways were being better kept than other areas in the county.

(9:43 a.m.) Joe Stephenson, Public Works Director, addressed the maintenance of SR 13.

(9:46 a.m.) Jacalone entered the meeting.

(9:49 a.m.) Carl Bloesing, 12 La Vista Drive, Ponte Vedra Beach, pleaded with the Board to notice in the newspaper sources in the northern part of the County, when actions were being taken by the BCC on issues relating to the northern part of the County.

(9:51 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., informed the Board of the St. Johns Audubon Society's Second Annual "Bird-A-Thon" that was held on April 17, 2004, and found 115 different species of birds in one day in the county.

(04/27/04 - 2 - 9:54 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested Items #7 and #9 be removed from the Consent Agenda and be rescheduled at the request of staff. Bosanko requested Item #3 be removed from the Consent Agenda and be rescheduled.

(04/27/04 - 2 - 9:55 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Bryant, seconded by Maguire, carried 5/0, to approve the Consent Agenda as amended, as follows:

1. Approval of the Cash Requirement Report

2. Approval of Minutes:
04/13/04 - BCC Regular Meeting
3. Motion to adopt a resolution approving a final plat for Rolling Hills Estates

Item #3 was removed from the Consent Agenda and would be rescheduled.
4. Motion to adopt **Resolution No. 2004-78** recognizing unanticipated revenue in the amount of \$2,687.13 and increasing the expenditure budget of the Fire Service Department (#1171-1224-54601) in the same amount

RESOLUTION NO. 2004-78

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2004 FIRE SERVICES BUDGET TO RECEIVE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING EQUIPMENT MAINTENANCE FUNDS FOR COUNTY FIRE APPARATUS

5. Motion to approve the transfer of \$14,000.00 from the Law Enforcement Trust Fund Reserve (1105-1194-59920) to Operating Supplies (1105-1194-55200) for the purchase of 20 handguns for assignment to sworn members of the Sheriff's Department
6. Motion to grant a Conditional Use Permit for Secondary Use of Tillman Ridge Landfill, Phase I, to Northrup Grumman Model Flyers # 4484 Florida
7. Motion to adopt a resolution approving the terms and conditions of a Purchase and Sale Agreement and authorizing the County Administrator to execute the Agreement for the purchase of easements in connection with the Holmes Boulevard Extension Project

Item #7 was removed from the Consent Agenda and would be rescheduled.
8. Motion to adopt **Resolution No. 2004-79** approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for the improvements to Old Moultrie Road and King Estates Road

RESOLUTION NO. 2004-79

A RESOLUTION OF 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 NEEDED FOR IMPROVEMENTS TO OLD MOULTRIE ROAD AND KINGS ESTATE ROAD

9. Motion to adopt a resolution approving the 7.59 acres of mitigation land, as provided for in the Conservation Easement, and acknowledge the satisfaction of

the Nocatee Development Order's requirement related to mitigation land for the wetland impacts at the County Road 210 and Mickler Road intersection

Item #9 was removed from the Consent Agenda and would be rescheduled.

10. Motion to adopt **Resolution No. 2004-80** accepting a Special Warranty Deed for a 2.44-acre fire station site located in the Whisper Ridge Planned Unit Development

RESOLUTION NO. 2004-80

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FOR A 2.44 ACRE FIRE STATION SITE LOCATED IN WHISPER RIDGE PLANNED UNIT DEVELOPMENT

11. Motion to direct the Chair to execute the contract amendment with the Agency for Health Care Administration
12. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 04-11
 - b. Proof, Notice to Bidders, Bid No. 04-66
 - c. Proof, Notice to Bidders, Bid No. 04-70
 - d. Proof, Notice of Hearing, Investigation of Possible Overearnings Intercoastal Utilities, St. Johns County Board of County Commissioners, Tuesday, April 27, 2004 at 9:00 a.m.
 - e. Proof, Notice of Special Meeting, Capital Improvement Program, St. Johns County Board of County Commissioners, Wednesday, April 7, 2004 at 2:30 p.m.
 - f. Proof, Notice of Meeting Location Change, Intergovernmental Committee, Wednesday, April 7, 2004 at 3:00 p.m. in the de Aviles Conference Room of the Lightner Building
 - g. Proof, Notice of Public Meeting, State of the County Address, St. Johns County Board of County Commissioners, Wednesday, March 31, 2004 at 7:00 p.m. at the St. Johns County Convention Center
 - h. Proof, Notice of Special Meeting, Loan Finalizing, St. Johns County Board of County Commissioners, Wednesday, March 31, 2004 at 2:00 p.m. in Conference Room A of the County Administration Building
 - i. Proof, Notice of Private Meeting, St. Johns County Board of County Commissioners, Tuesday, March 16, 2004 at 8:00 a.m. in Conference Room A of the County Administration Building
 - j. Proof, Certificate of Liability Insurance, Elab, Inc.
 - k. Proof, Certificate of Liability Insurance, Seaboard Waste Systems, Inc.
 - l. Proof, Certificate of Liability Insurance, Universal Engineering Sciences
 - m. Proof, Certificate of Liability Insurance, Westaff (USA), Inc.
 - n. Proof, Certificate of Liability Insurance, Stone, Joca, & Mahoney Consulting Engineers, Inc.
 - o. Proof, Certificate of Liability Insurance, Post, Buckley, Schuh & Jernigan, Inc.
 - p. Proof, Certificate of Liability Insurance, Waste Services of Florida, Inc.

q. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC

(04/27/04 - 5 - 9:55 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions, nor deletions, to the Regular Agenda.

(04/27/04 - 5 - 9:55 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/27/04 - 5 - 9:56 a.m.)

1. PUBLIC HEARING - DOCKET NO. 2001-0007-000023 INVESTIGATION OF POSSIBLE OVERTURNINGS OF INTERCOASTAL UTILITIES, INC. - ON MAY 3, 2001, A FORMAL INVESTIGATION COMMENCED INTO POSSIBLE OVERTURNINGS BY INTERCOASTAL UTILITIES (THE UTILITY) AND DOCKET NO. 2001-0007-000023 WAS OPENED. SEE TIMELINE AT ATTACHMENT 1. THIS MATTER CAME BEFORE THE BOARD ON JANUARY 28, 2003 AND ORDER #03-00002 WAS ISSUED CONFIRMING A RECOMMENDED ORDER WITH MODIFICATIONS AND GRANTING A REFUND TO CUSTOMERS. TO AVOID CONTINUING LITIGATION, THE PARTIES WERE DESIROUS OF REACHING AN AMICABLE RESOLUTION AND ENTERED INTO A SETTLEMENT AGREEMENT ON MARCH 4, 2003. AS PART OF THE SETTLEMENT AGREEMENT, THE UTILITY AGREED TO PAY \$140,000 TO ST. JOHNS COUNTY IN LIEU OF, AND IN COMPLETE SATISFACTION OF, THAT \$330,000 PENALTY CONTEMPLATED BY THE FINAL ORDER. STAFF HAS VERIFIED THAT ALL REFUNDS HAVE BEEN MADE TO CUSTOMERS, ALL PENALTIES HAVE BEEN PAID AND ALL RATES HAVE BEEN REDUCED ACCORDINGLY AND RECOMMENDS TO THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS CLOSURE OF DOCKET NO. 2001-0007-000023 AS SO ORDERED IN PARAGRAPH 6 OF ORDER NO. 03-0002 (THE BOARD'S ORDER). WATER AND SEWER AUTHORITY (THE AUTHORITY) STAFF SUBMITTED TO THE COMMISSION OFFICE ON APRIL 5, 2004 STAFF'S EXHIBITS 1 THROUGH 9 IN SUPPORT OF ITS RECOMMENDATION

Proof of publication of the notice of public hearing on the matter of Intercoastal Utilities, Inc., the investigation of possible overearnings was received having been published in *The St. Augustine Record* on April 2, 2004.

John Schwab, Executive Director of the Water and Sewer Authority, explained that this public hearing was to determine that all obligations to Order No. 03-00002 had been met and to close Docket 2001-0007-000023. (9:58 a.m.) **Motion by Meiszer, seconded by Bryant, to approve Resolution No. 2004-81 authorizing the Chair to execute the Final Order that the requirements of the Board's Order No. 03-00002 have been met and to close Docket No. 2001-0007-000023, Investigation of Possible Overearnings of Intercoastal Utilities, Inc., effective April 27, 2004, and that the agreement, as proof by the Resolution, is court ordered.** (10:00 a.m.) Steve Wiley, Office of Public Counsel, concurred with Staff's recommendations that the requirements have been met and that the order should be issued to close the case. (10:01 a.m.) John Wharton, Rose, Sundstrom, and Bentley, Tallahassee, voiced his support of Staff's recommendation. (10:02 a.m.) Walt Rohrer, 2315 Clubview Court, Ponte Vedra Beach, questioned the total amount of refunds that were paid and the amount of refunds that were not paid. (10:03 a.m.) Schwab responded that the total refund amount was \$529,291 and the amount that

was not able to be paid, but was attempted to be paid, was \$6,503. (10:05 a.m.) Noreen Davis, Attorney for the Water and Sewer Authority, informed the Board that the period of time the refund covered was June 6, 2001 through March 1, 2003. (10:05 a.m.) **The motion carried 5/0.**

RESOLUTION NO. 2004-81

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRPERSON TO EXECUTE FINAL ORDER NO. 04-00003 INDICATING THAT THE REQUIREMENTS OF ORDER NO. 03-00002 HAVE BEEN MET AND CLOSING DOCKET NO. 2001-007-000023

(04/27/04 - 6 - 10:06 a.m.)

2. PUBLIC HEARING - PUD 2003-21 SURFSIDE LODGE - THIS IS A REQUEST TO REZONE APPROXIMATELY 0.66 ACRE OF LAND FROM CHT TO PUD TO ALLOW THE DEVELOPMENT OF A 20 UNIT EXTENDED STAY HOTEL. THE PROPERTY IS DESIGNATED AS COMMERCIAL ON THE FUTURE LAND USE MAP AND IS LOCATED AT 3080 COASTAL HIGHWAY. ACCESS FOR THE PROPOSED HOTEL IS FROM ONE DRIVEWAY OFF OF A1A. THE SURROUNDING AREA IS DEVELOPED WITH RESIDENTIAL TO THE NORTH AND WEST, THE SURFSIDE COUNTY PARK IS LOCATED TO THE SOUTH AND THE ATLANTIC OCEAN IS TO THE EAST. THIS PUD REQUEST WAS HEARD BY THE BCC ON JANUARY 13, 2004, JANUARY 27, 2004, FEBRUARY 17, 2004 AND MARCH 16, 2004. AT THE MARCH 16TH MEETING, THE BCC APPROVED THE PUD REQUEST WITHOUT APPROVING THE WAIVERS REQUESTED BY THE APPLICANT. THIS MADE THE PUD TEXT AND MAP INCONSISTENT WITH THE BOARD'S ACTION. ON MARCH 23, 2004 THE APPLICANT WENT BEFORE THE BCC AND REQUESTED THE PUD BE RE-HEARD. THE BCC AGREED TO RE-HEAR THE PROPOSED PUD AND DIRECTED STAFF TO SCHEDULE IT AS SOON AS POSSIBLE

Proof of publication of the notice of public hearing regarding PUD 2003-21, Surfside Lodge PUD, was received, having been published in *The St. Augustine Record* on March 26, 2004.

Teresa Bishop, Planning Director, explained the request to rezone approximately .66 acre of land from CHT to PUD, to allow the development of a 20 unit extended stay hotel. Bishop then addressed some of the concerns raised at previous meetings regarding setbacks, buffers, and the waivers requested by the applicant. (10:12 a.m.) Maguire filed form 8B, Memorandum of Voting Conflict, and recused himself from taking action on this issue because his family owns property within 300'; then requested the Board approve no waivers to the setbacks.

(10:12 a.m.) George McClure, 170 Malaga Street, addressed setbacks and the number of units in the hotel.

(10:20 a.m.) Discussion followed regarding the setback requirements, beach access, and the buffers.

(10:24 a.m.) Edith Pepper, 3100 Coastal Highway, commented in opposition to the hotel.

(10:28 a.m.) Deborah Andrews, 11 North Roscoe Blvd., representing the Reinholds, addressed the Settlement Agreement; then, requested the Board deny the waivers.

(10:41 a.m.) Ken Reinhold, 3104 Coastal Highway, Vilano Beach, commented in opposition to the PUD.

Discussion followed on the waivers and the setbacks. (10:47 a.m.) **Motion by Jacalone, seconded by Bryant, failed 2/2 with Meiszer and Stern dissenting and Maguire having recused himself, to enact Ordinance No. 2004-27 adopting findings of fact 1-6 with landscaping being added on the south side of the fence.**

The meeting recessed at 10:49 a.m. and reconvened at 10:56 a.m.

(04/27/04 - 7 - 10:56 a.m.)

3. CONSIDER A MOTION TO DIRECT THE COUNTY ATTORNEY TO TAKE ALL NECESSARY STEPS FOR THE ISSUANCE OF TAX INCREMENT REVENUE BONDS FOR THE VILANO TOWN CENTER PROJECT

Joe Vonasek, Director of the Office of Management and Budget, explained this item. Discussion followed regarding their being enough revenue to pay the project debt service. (11:08 a.m.) **Motion by Jacalone, seconded by Bryant, to direct the County Attorney to take all necessary steps for the issuance of Tax Increment Revenue Bonds for the Vilano Town Center Project.**

(11:09 a.m.) Vivian Browning, 40 Beachcomber Way, commented in support of the project financing.

(11:10 a.m.) John Musyck, 1330 Thomas Avenue, Montgomery, Alabama, Merchant Capital, said all of his comments had already been addressed.

(11:11 a.m.) Louis Thrower, 288 Orange Avenue, asked several questions regarding the time period that was granted for the life of the CRA; the assurance that all shortfalls would be covered; whether the bonds would cover any other shortfalls besides this issue and the World Golf Village; the percentage of general obligation bonds; and the number of years the bond would exist. (11:12 a.m.) Vonasek responded to Thrower's questions.

(11:14 a.m.) Discussion followed regarding other projects the bond would cover. (11:16 a.m.) **The motion carried 5/0.**

(11:17 a.m.) Assistant County Attorney Laura Barrow entered the meeting.

(04/27/04 - 7 - 11:17 a.m.)

4. CONSIDER A MOTION TO APPROVE THE RECOMMENDED BALD EAGLE MANAGEMENT PLAN DATED MARCH 4, 2004, AS PREPARED BY MR. TOM LOGAN OF BREEDLOVE, DENNIS & ASSOCIATES, THEREBY APPROVING A WAIVER TO SECTIONS 4.01.10 B, C AND D OF THE LAND DEVELOPMENT CODE FOR THE RAVENSWOOD FOREST PUD EAGLE NEST SJ-021

Proof of publication of the notice of public hearing regarding the Bald Eagle Management Plan for Eagle Nest SJ-021 was received, having been published in *The St. Augustine Record* on April 13, 2004.

Jan Brewer, Environmental Planning, gave a detailed overview of the Bald Eagle Management Plan. Discussion followed regarding the enforcement of the terms and conditions in the management plan. (11:32 a.m.) Tom Crawford, Director of Housing and Community Services, informed the Board that there had been \$400,000 committed to offset impact fees. (11:36 a.m.) Karen Taylor, 3070 Harbor Drive, reviewed the PUD; then, requested the Board approve the management plan that was developed by them. Taylor addressed the provisions in the Land Development Code regarding a management plan. (11:54 a.m.) *Motion by Meiszer, seconded by Maguire, to approve the development with the Eagle Protection Plan submitted by the applicant, as modified by County Staff and the experts they apparently used.* Discussion followed on the two management plans, the monitoring guidelines, and the guidelines for construction during the nesting season. (12:04 p.m.) *Maguire withdrew his second to the motion; therefore the motion died for lack of a second.* Discussion followed regarding approval of the applicant's plan, as modified by County Staff; and construction during nesting season in the primary and secondary zones.

(12:15 p.m.) Marilyn McMulken, 1033 Hibiscus Street, aired that if 39 more houses were put in the primary zone, the eagles would be disturbed.

(12:21 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the St. Johns County Audubon Society, commented on the disturbance of the eagle nest; then, requested the Board deny the Bald Eagle Management Plan for the Ravenswood Forest Eagle Nest.

(12:30 p.m.) Deborah Andrews, 11 North Roscoe Blvd., requested the Board deny the Bald Eagle Management Plan.

(12:36 p.m.) Bill Lazar, Director of St. Johns Housing Partnership, commented in favor of the development of the affordable houses.

(12:40 p.m.) **Motion by Jacalone, seconded by Maguire, to approve the alternative plan, as prepared by the consultants for the developer; and granting the waiver to certain sections of the LDC.** Discussion followed regarding the management plan. (12:45 p.m.) **The motion carried 4/1, with Meiszer dissenting.**

(12:45 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to move the Reports to the afternoon session of the meeting.**

The meeting recessed at 12:46 p.m. and resumed at 1:43 p.m. with Stern, Maguire, Jacalone, Bryant, Meiszer, Adams, Cheryl Strickland, Isabelle Lopez, Senior Assistant County Attorney, and Diane Gorski Clerk's Office in attendance.

(1:44 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to pull Item 10.** Bryant requested that staff explain the reason the item needed to be pulled. Teresa Bishop, Planning Director, stated that the item had been advertised incorrectly and that it was a Comprehensive Plan Amendment for the Designations to Public in which the County was the applicant and that the Public Works and Recreation Departments were not opposed to the item being continued. She stated that these particular sites would be moved into the next cycle of the Comprehensive Plan Amendment Cycle, with the item to be re-advertised in the next Future Land Use Amendment Cycle.

(04/27/04 - 8 - 1:45 p.m.)

5. FY 2003 ANNUAL AUDIT - AS A COMPLETING PART OF THE ANNUAL AUDIT PROCESS, DAVIS MONK, THE COUNTY'S AUDITORS, WILL NEED TO MAKE A FINAL BRIEFING TO THE BCC CONCERNING THE AUDIT

RESULTS. MR. ALAN NAST WILL APPEAR AS THE REPRESENTATIVE OF DAVIS MONK

Cheryl Strickland, Clerk of the Court, explained that this had been the first year Davis, Monk and Co., had acted as Auditors for the County and that they had done a fine job. Alan Nast, Davis and Monk, introduced Tina Robinson, Audit Manager, who had performed the majority of the work on the job. He stated that he was available to answer any questions the Board may have related to the audit process and that page 177 summarized the entire 185 pages of the auditors report. He explained that they had examined all of the Constitutional Officers, but that he wanted to focus on what they had found in relationship to the Board of County Commissioners. He stated that the Auditors Report on the Financial Statement had been unqualified, which was the highest level of assurance given on Financial Statements. He explained that the auditors had found a couple of issues related to the internal control structure. He noted that they had reviewed compliance with any legal or regulatory requirements that related to the financial systems and the Grants and Federal and State Government Assistance accounts relating to the internal control structure. (1:49 p.m.) Meiszer questioned the Management Letter in the document. He asked Nast to explain the most significant findings in review of the internal controls. Nast responded that there had been an issue with the budgeting process and they had found that some of the budgets and some of the funds contained a reserve for contingencies that were more than ten percent of the funds total. Nast explained that the other finding had been related to the Golf Course. Meiszer questioned the most significant item noted in the letter. He asked for further emphasis on positive findings. Nast stated that the Management Letter contained no adverse findings. (1:52 p.m.) Jacalone requested clarification on the contingency line exceeding 10% of the total project cost. Nast responded that in several of the funds the total reserve for the contingency exceeded 10% of the total budget. He explained that the Bond Ordinance for the golf course required a certain coverage of expenses by revenues generated from the operations of the golf course and that the revenues had not been sufficient to meet the requirements.

(04/27/04 - 9 - 1:53 p.m.)

6. PUBLIC HEARING - MAJMOD 2003-15 HERITAGE PARKE PUD - THE SUBJECT PROPERTY IS LOCATED AT 575 WOODLAWN ROAD AND IS COMPRISED OF 392.58 ACRES. THE APPLICANT HAS REQUESTED MODIFICATIONS TO THE ORIGINAL DEVELOPMENT PLAN, TO CHANGING PARCELS E-1 AND E-2 FROM 216 MULTIFAMILY UNITS TO 144 SINGLE FAMILY LOTS AND CHANGING THE MAXIMUM BUILDING COVERAGE ON PARCELS C, D AND E FROM 35% TO 40%. THIS MODIFICATION WILL ALSO ADD THE USE OF A 7200 SQUARE FOOT DAY CARE FACILITY TO PARCEL B

Proof of publication of the Notice of Hearing of MAJMOD 03-15 Heritage Parke, was received, having been published in *The St. Augustine Record* on April 8, 2004.

Bruce Ford, Chief Planner, explained the request to change Parcels E1 and E2 from 216 multi-family units to 145 single family units; a request to change the maximum building coverage on Lots within Parcels C, D and E from 35% to 40 % and a request to add a 7200 square foot day care center within Parcel B, which is the existing Recreation Parcel. He stated that the request for two waivers had been added to this item in error and that they had already been approved in September 2002. (1:55 p.m.) Maguire clarified that there were no waivers in the request and Ford concurred. Staff supported the request and found that it complied with the Comprehensive Plan and the Future Land Use Designation of Residential-C and that the request supported the goals and policies of the Future Land Use Element specifically relating to providing diverse living

opportunities. He stated that the request was consistent with Section 5.03.05 relating to the Major Modification criteria and that the County had received twelve adjacent property notices in favor and two against the request and that six findings of fact had been provided to support or deny the request. The Planning and Zoning Agency (PZA) recommended approval with a vote of 6/0 at the March 4, 2004 hearing. Ford stated that the project had concurrency and that they had met the one-third minimum concurrency requirement granted with a Concurrency Certificate in 2000. (1:57 p.m.) Pamela Drury, 8936 Western Way, Suite 190, Jacksonville Beach, represented the applicant and entered a letter into the record from the adjacent property owner and then reviewed the diagram in the packet. She stated that there had been a problem with the contractor and that the adjacent property owner, Mark Cooksey, had requested that his fence be replaced and property be returned to its original state. Drury stated that the developer wanted to go on record with the assurance that they would install a six-foot high solid privacy fence, with 75% landscaping on the outside of the fence. She explained that the fencing would be placed within the property line leaving the natural vegetation to act as a natural buffer line. (1:59 p.m.) Maguire asked if the Day Care Center would impact the recreation space. Drury explained that it had been part of the original recreational area planned and that there was thirty-three acres of recreation land. She stated that it had been part of the Clubhouse originally and that they had decided to split the Day Care from the Clubhouse, which lessened the size of the Clubhouse slightly.

(2:00 p.m.) Mark Cooksey, 1590 Woodlawn Road, adjacent property owner to the project, had asked for the record to note the promises made by the developer to replace the fence and landscaping.

(2:01 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance 2004-27, known as MAJMOD 2003-15 Heritage Parke PUD, adopting the findings contained within the package to support the motion.**

ORDINANCE NO. 2004-27

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE HERITAGE PARKE
PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE
NO 2000-4 MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING FOR AN
EFFECTIVE DATE

(04/27/04 - 10 - 2:02 p.m.)

7. PUBLIC HEARING - ADOPTION HEARING FOR FILE #CPA-2003-06, R.T. TIMBER, INC., TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE (R/S) TO RESIDENTIAL DENSITY - C FOR PROPERTY LOCATED SOUTH OF RACE TRACK ROAD AND WEST OF RUSSELL SAMPSON ROAD, ALONG THE PROPOSED CR 223, DIRECTLY WEST AND ADJACENT TO THE DURBIN CROSSING DRI - FILE #CPA-2003-06, KNOWN AS R.T. TIMBER, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM INTENSIVE COMMERCIAL (IC) TO RESIDENTIAL DENSITY - C. THIS PROPOSED FLUM AMENDMENT CONSTITUTES A REGULAR COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE

Proof of publication of the Notice of Public Hearing to consider adoption of a proposed amendment to the Future Land Use Map of the St. Johns County 2015 Comprehensive Plan, was received, having been published in *The St. Augustine Record* on March 26, 2004.

Donna Godfrey, Senior Planner, announced that the public could sign a sheet if they wanted additional information regarding Comprehensive Plan Amendment changes. She explained that this item was a proposed amendment to the 2015 Comprehensive Plan to change the Future Land Use Map designation from Rural Silviculture (R/S) to Residential Density-C. She stated that this amendment constituted a regular Comprehensive Plan Amendment, which was filed under the twice-yearly cycle. She stated that the Board of County Commissioners (BCC) had transmitted the request last November to the Florida Department of Community Affairs (DCA) and other state and regional agencies. The DCA had requested additional information for each site and this had been incorporated into the Staff Report to the PZA and that the DCA had objected to this proposed amendment due to insufficient data and failure to demonstrate that the adopted level of services for public facilities would be achieved and maintained throughout the communities planning time frame. (2:08 p.m.) Don Smith, on behalf of R.T. Timber, presented a PowerPoint Presentation. He explained that the subject parcel was surrounded by residential properties. He reviewed the County's Future Land Use Map which clearly identified the surrounding residential developments. He mentioned that the future CR 223 would pass through the site and that the applicant would donate right-of-way to the development of CR 223. (2:14 p.m.) Meiszer stated that the decision made by the Board today would have to be considered for future applicants and that the Board needed to look at future impacts to an area. (2:17 p.m.) Smith reviewed the Residential Needs Analysis and aerial photograph of the R.T. Timber property. He then summarized the proposed project. (2:22 p.m.) Godfrey explained that a clarification to the legal description had been distributed to staff.

(2:23 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition to the proposed amendment to the Future Land Use Map. She stated that there had been no designated need proven and mentioned that the Northwest Sector was already over allocated and there was no need for additional housing.

(2:30 p.m.) Meiszer stated that future planning was needed to ensure that there would be space for parks and recreation to meet the needs of the growing community. (2:33 p.m.) John Metcalf, 245 Riverside, explained that as quickly as projects were being approved they were being sold and that demonstrated a need for future development in the area. (2:36 p.m.) Maguire stated that one of the two proposed roads would need to be in place before the developments were built.

(2:37 p.m.) Motion by Maguire, seconded by Stern, carried 5/0, to enact Ordinance 2004-28, adopting File #CPA-2003-06, R.T.Timber, Inc. located south of Race Track Road and west of Russell Sampson Road, along the proposed CR 223, amending the Future Land Use Map from Rural Silviculture (R/S) to Residential Density - C.

ORDINANCE NO. 2004-28

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMENDING 2015
COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS
AMENDED, TO CHANGE THE FUTURE LAND USE
MAP DESIGNATION FROM RURAL SILVICULTURE
(R/S) TO RESIDENTIAL - C FOR PROPERTY LOCATED
ABOUT ONE MILE SOUTH OF RACE TRACK ROAD

AND WEST OF RUSSELL SAMPSON ROAD, ALONG PROPOSED CR 223 (FKA PROPOSED CR 210B), DIRECTLY WEST AND ADJACENT TO THE DURBIN CROSSING DRI; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

(04/27/04 - 12 - 2:38 p.m.)

8. PUBLIC HEARING - ADOPTION HEARING FOR FILE #CPA-2003-04, BAYARD RACEWAYS, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM INTENSIVE COMMERCIAL (IC) TO RESIDENTIAL DENSITY - C FOR PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF RACE TRACK ROAD AND US HIGHWAY 1 NORTH - FILE #CPA-2003-04, KNOWN AS BAYARD RACEWAYS, IS A PROPOSED AMENDMENT TO THE 2015 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM INTENSIVE COMMERCIAL (IC) TO RESIDENTIAL DENSITY - C. THIS PROPOSED FLUM AMENDMENT CONSTITUTES A REGULAR COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE

Proof of publication of the Notice of Public Hearing to consider a proposed amendment to the Future Land Use Map of the St. Johns County Comprehensive Plan, was received, having been published in *The St. Augustine Record* on March 26, 2004.

Godfrey reviewed the request for a proposed amendment to the 2015 Comprehensive Plan to change the Future Land Use Map designation from Intensive Commercial to Residential Density - C designation. Godfrey stated that this amendment constituted a regular Comprehensive Plan Amendment, which was filed under the twice-yearly cycle. She explained that the request had been transmitted by the BCC last November to the DCA and other state and regional agencies. The DCA had requested additional information and this had been incorporated into the Staff Report to the PZA and that the DCA had objected to this proposed amendment due to insufficient data and failure to demonstrate that the adopted level of services for public facilities would be achieved and maintained throughout the communities planning time frame. The PZA had recommended approval of the request based on the applicant's Needs Analysis submittal. (2:42 p.m.) George McClure, 170 Malaga Street, representing Bayard Raceways, stated that the site had been established in 1920 as a Raceway and that it had been considered a Rural Silviculture activity. He mentioned that Usina's Racetrack had been re-designated as intensive commercial in the 2002 comp plan and explained the configuration of the property. He explained that with the configuration of the uplands it would be unlikely that the property would be able to be developed commercially and that his client had seriously marketed the property as commercial but could not find a buyer. He stated that his client had placed a Card Room on the property in an effort to develop it as designated in the Comprehensive Plan and that the Card House provided leisurely activities for the community, as well as one hundred forty full-time jobs to St. Johns County since January. McClure explained that there was insufficient access to the rear of the property and that made the sale or development of the property as designated difficult at best. He mentioned that Centex had expressed interest in the property if it was rezoned and the Comprehensive Plan Amendment was passed.

(2:51 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of amending the Future Land Use Map.

(2:53 p.m.) Louise Thrower, 288 Orange Avenue, preferred further development as Intensive Commercial or some other commercial designation. She spoke in opposition of amending the Future Land Use Map.

(2:54 p.m.) McClure clarified that this site was not located in the northwest sector. He stated that the total number of upland acres was slightly over fifty-seven and that the maximum number of units that would be built on this site for residential purposes is slightly over 300 and that there would be no opportunity for railway sites in the area because of the wetland configuration. He explained that the owner, Mr. Corman, would prefer to sell the land as it was originally designed but the area had proven to be more conducive to residential zoning. McClure explained that this was not a request to convert Rural Silviculture Land into Development Area Land, it was land that was already located within the development area boundary and the application had demonstrated a demand on public services as a result of the application. (2:57 p.m.) Meiszer stated that McClure had made an effective economic argument for his client, but that the location was ideal for commercial or industrial uses and surrounded by residential areas. He asked why the property had not been able to be marketed as commercial. McClure responded that his client had not been able to develop the property commercially and that the practicality of residential development had been based on site-specific geographic data. (3:04 p.m.) Discussion ensued.

(3:08 p.m.) Motion by Jacalone, seconded by Stern, carried 4/1, Bryant opposed, to enact Ordinance No. 2004-29, adopting File #CPA-2003-04, Bayard Raceways, Inc., and Bayard Timberland Company, located west of the Florida East Coast Railway Right-of-Way, near the southwest corner of Race Track Road and U.S. Highway 1 North, amending the Future Land Use Map from Intensive Commercial (IC) to Residential Density - C.

ORDINANCE NO. 2004-29

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM INTENSIVE COMMERCIAL (IC) TO RESIDENTIAL - C FOR PROPERTY LOCATED WEST OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY, NEAR THE SOUTHWEST CORNER OF RACE TRACK ROAD AND U.S. HIGHWAY 1 NORTH; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

The meeting recessed at 3:09 p.m. and reconvened at 3:17 p.m.

(04/27/04 - 13 - 3:17 p.m.)

9. PUBLIC HEARING - ADOPTION HEARING FOR FILE #CPA (SS) 2004-01, MICKLER'S BEND, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM COMMERCIAL (CM) TO RESIDENTIAL DENSITY - C FOR PROPERTY LOCATED AT 4380 MICKLER ROAD - FILE #CPA(SS)2004-01, KNOWN AS MICKLER'S BEND, IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM COMMERCIAL (CM) TO RESIDENTIAL DENSITY - C. ACCORDING TO FLORIDA STATUTES, SMALL SCALE AMENDMENTS DO NOT REQUIRE REVIEW BY THE STATE UNLESS THE

LOCAL ENTITY ELECTS TO HAVE A REVIEW. IN THE COASTAL AREA, THE RESIDENTIAL - C DESIGNATION WILL ALLOW UP TO FOUR DWELLING UNITS PER ACRE ON PROPERTIES SERVED BY PUBLIC WATER AND SEWER. THE APPLICANT PROPOSES THE REDEVELOPMENT OF THIS 2.71-ACRE PROPERTY IN CONJUNCTION WITH THE ADJACENT PARCEL, FOR A TOTAL OF 5.53 ACRES, FOR 21 CONDOMINIUM UNITS. THE APPLICANT HAS REQUESTED A PUD REZONING TO RUN SUBSEQUENT TO THIS PROPOSED FLUM AMENDMENT

Proof of publication of the Notice of Public Hearing to consider adoption of a proposed small-scale amendment to the Future Land Use Map of the St. Johns County 2015 Comprehensive Plan was received, having been published in *The St. Augustine Record* on March 26, 2004.

Godfrey reviewed the request for a small-scale scale Comprehensive Plan Amendment. (3:18 p.m.) Jacalone clarified that the sign in sheet Godfrey had referred to earlier would be to keep interested people involved during the review process. Godfrey explained that the items approved by the Board would go back to the DCA for compliance review and that they would notify the Planning Department of an advertisement in the St. Augustine Record to notice the public of approval and that the public had twenty-eight days to file an objection. (3:19 p.m.) Maguire reminded Godfrey that items pertaining to the Ponte Vedra and Northwest areas in the County should be advertised in the newspapers that circulate in those communities. Teresa Bishop, Planning Director, explained that this item referred to a small-scale amendment and once it was approved, unless DCA elected to look at it at the Commissioners request it would gain final approval after thirty-one days. (3:21 p.m.) Jacalone mentioned that items being considered by the Board should be advertised in the appropriate publications. Bishop explained that future advertisements would be handled that way. (3:22 p.m.) Godfrey stated that the applicant had requested a Planned Unit Development (PUD) rezoning to run subsequent to this proposed Future Land Use Map Amendment and that pursuant to policy 0.1.5.6 of the Future Land Use Element the "*County shall not approve Comprehensive Plan Amendments that increase the residential density in the Future Land Use Map within the coastal high hazard area*". She reviewed the history of the property and the subsequent changes in zoning. She stated that the property was currently zoned Residential Single Family and approval of this amendment would require the approval of the PUD rezoning request. She mentioned that the property in question had been zoned CM in error and that the applicant's request was consistent with the Residential Density-C requirement. She stated that the PZA had voted to deny the request 5/2. (3:27 p.m.) Lopez mentioned that the PZA standard findings of fact, supporting the denial, were included in the packet. Discussion ensued. (3:29 p.m.) Gary Davenport spoke on behalf of the landowners and explained that they had requested permission to combine their properties for a condominium complex. He mentioned a Condominium project currently under development on surrounding properties. Davenport stated the property had been rezoned in 1985 to RSE and that in that application it was stated that the rezoning request appeared to be consistent with the Comprehensive Plan and compatible with the surrounding land use. He stated that this property should never have been designated for commercial use and that the residents were never noticed that the zoning had been changed to commercial. He mentioned that the applicant would agree to require early evacuation in the condo documents. (3:41 p.m.) Jacalone clarified that the Commission would be re-designating one 2.6 acre parcel.

(3:43 p.m.) **Motion by Maguire, seconded by Jacalone, to adopt Ordinance No. 2004-30, adopting File No. CPA 004(SS)2004-01, Micklers Bend, located at 4380 Mickler Road amending the Future Land Use Map from Commercial (CM) to Residential Density- C.** Lopez suggested that the maker of the motion add that in the Ordinance,

Section I, an additional letter D, with the finding “*that the amendment will not result in an increase in hurricane evacuation times.*” be included in the motion, Maguire concurred and directed it be included in the motion. Stern stated for the record, that Marcy Silkebaken had provided a letter during this mornings meeting on behalf of the Ponte Vedra Community Association (PVCA) in support of this change with the condition that a tree survey and safety improvements be included in the PUD and that Clara Cowan, representing the Seaside would be providing an email for the record in support with the same stipulations as the PVCA. (3:45 pm.) Maguire called for public comment.

(3:45 p.m.) James Green spoke in opposition of the amendment.

(3:45 p.m.) Jay Culberth spoke in favor of the amendment and commended County Staff on their efficiency, effectiveness and helpfulness.

(3:47 p.m.) **The motion carried 5/0.**

ORDINANCE NO. 2004-30

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 FUTURE LAND USE MAP OF COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, FOR PROPERTY LOCATED ON THE NORTH SIDE OF MICKLER ROAD, APPROXIMATELY 660 FEET WEST OF STATE ROAD A1A NORTH, FROM COMMERCIAL (CM) TO RESIDENTIAL COASTAL DENSITY - C, PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

(Item #10 pulled, to be re-advertised in the next Future Land Use Amendment Cycle.)

10. PUBLIC HEARING - ADOPTION HEARING FOR ADMINISTRATIVE AMENDMENTS TO CHANGE THE FUTURE LAND USE MAP FOR SEVERAL COUNTY-OWNED PROPERTIES FROM THEIR CURRENT FLUM DESIGNATIONS TO THE PUBLIC (P) DESIGNATION - THIS PUBLIC HEARING IS TO CONSIDER THE ADOPTION OF SEVERAL COUNTY-INITIATED AMENDMENTS TO THE 2015 COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE MAP FROM THE CURRENT DESIGNATION OF THE PROPERTY (AS LISTED IN THIS REPORT) TO THE PUBLIC (P) DESIGNATION, ALLOWING THE COUNTY TO UTILIZE THE SITES ACCORDINGLY. TO FACILITATE CITIZEN INQUIRIES AND SIGN POSTING, A NUMBER WAS ASSIGNED TO EACH COUNTY-OWNED PROPERTY OR GROUP OF PROPERTIES. THESE INCLUDE PUBLIC SITES #1, 2, 3A & 3B, 4, 7, 9, 11, 12 AND 13.

Proof of publication of the Notice of Public Hearing to consider adoption of a proposed amendment to the Future Land Use Map of the St. Johns County 2015 Comprehensive Plan was received, having been published in *The St. Augustine Record* on March 26, 2004.

Item # 10 pulled, to be re-advertised in the next Future Land Use Amendment Cycle.

(04/27/04 - 15 - 3:47 p.m.)
COMMISSIONER'S REPORTS

Commissioner Meiszer

Meiszer announced the resignation of the St. Johns County Budget and Management Director, Joe Vonasek. He expressed his concern with the article in the St. Augustine Record referring to this resignation. He questioned the announcement of two new Assistant Manager positions and stated that he did not think that two Assistants were necessary and requested clarification from Mr. Adams. He stated that the positions had been already filled but that the Board had not approved these designations. He mentioned that this would be a good opportunity to re-evaluate the current organization, especially in wake of David Halstead's (Assistant County Administrator) retirement. Meiszer noted that the County was losing some very experienced people and that there would be no substitute for that kind of institutional knowledge. He mentioned that this would be an ideal time to eliminate some positions. He suggested re-evaluating operations and staff changes and that further discussion was needed. He stated that serious decisions needed to be made by the Commission.

(3:51 p.m.) Adams said that he had spoken to the Commissioners about the plans and announced that Halstead's retirement had been known about for a year. He mentioned speaking to Margo Pope of the St. Augustine Record, and stated that he had spoken to Board members about the staff changes. He explained that the titles would change and that no new positions would be added and that Halstead's position would be removed from the budget beginning in 2005. Adams stated that he would divide duties equally amongst himself, Scott Clem and Ted Zebrowsky. Adams explained that Scott Clem would be the Assistant County Administrator for Operations and that he would continue to be the Director of Growth Management and the Public Works and Utilities Departments would coordinate with and answer to Clem. Ted Zebrowsky would be the Assistant County Administrator for Administration and that the County Administrator would assign his duties. Adams stated that he would continue to oversee the Tourist Development Council, Solid Waste, Recreation, Fire Rescue, Emergency Management, GIS, Real Estate and the Library. (3:55 p.m.) Meiszer asked Adams to provide further detail regarding the changes in the near future. He asked Adams who would be in charge of the Budget? Adams answered that he had spoken to Doug Timms and that he had agreed to oversee the budgeting process until Vonasek's replacement was found. (3:56 p.m.) Maguire stated that he would like to hear the entire lay out and asked about the budget. He asked why twenty-eight people were added to the insurance policy. Adams stated that those numbers referred to firefighters and police officers. Maguire asked how many positions were open? Adams said that there were always positions open, but that he did not have the exact number of open positions at this time. (3:57 p.m.) Stern asked Adams to report to the Board regarding the changes.

(3:57 p.m.)

Commissioner Stern

Stern asked Adams to provide a finalized Bond Request List. Adams asked the Board to authorize Bosanko to get his bond team started today and PFM would come before the board at the May 4 2004 meeting to answer any questions the Commissioners might have.

Stern asked Bosanko about code enforcement issues brought to her attention. She stated that abandoned vehicles were of particular concern. She mentioned Clay and Duval and other counties had adopted an ordinance that addressed the handling of abandoned vehicles and junk and asked if he could address this issue. (4:00 p.m.) Meiszer reviewed the procedure and stated that public and private property violations

enforcement needed to be updated. He asked why we could not tow vehicles away with proper notice. (4:01 p.m.) Bosanko stated that he would be prepared to bring this item before the Board within two weeks if the Board approved. Adams stated that he would add it to the Commission meeting Agenda in two weeks.

Stern mentioned her trip to Washington and stated that she had met with Congressman Mica who suggested she meet with Florida Senators to assure keeping the County appropriations in place.

(4:03 p.m.) Adams asked for a consensus to meet with the bond people, and a consensus was given.

(4:03 p.m.)

Commissioner Jacalone

Jacalone reviewed the memorandum sent to Adams and copied to the Board from Joe Vonasek with the intention of clarifying the Capital Improvement Programs totals that had been discussed. He questioned why state road projects were still included in the budget and declared that he disagreed with some of the numbers. He asked Adams to review the memo closely. Adams stated that he would review the reconciliation of the pipeline dollars memo and report back to the Board.

(4:06 p.m.)

Commissioner Bryant

No report.

(04/27/04 - 17 - 4:06 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(04/27/04 - 17 - 4:06 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko stated that Sisco would be retiring this summer and that he would need to hire additional staff to handle the additional work brought on by Article 5, once implemented, and that the County Attorney's office would have to fund legal aide at some level. He requested input from the board since the additional staff and operating supplies had not been budgeted. (4:12 p.m.) Jacalone directed Bosanko to request the money and staff necessary for his department to perform their duties, in the budget cycle. He explained that he would consider other counties funding and Sisco's salary as a gauge for the next year. Discussion ensued.

(04/27/04 - 17 - 4:06 p.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 4:15 p.m. and reconvened at 5:39 p.m. with Stern, Jacalone, Bryant, Meiszer, Adams, Bosanko, Laura Barrow, Assistant County Attorney, and Robin Platt, Deputy Clerk, present. Maguire was absent.

(04/27/04 - 18 - 5:39 p.m.)

11. PUBLIC HEARING - ORDINANCE AMENDING PORTIONS OF THE COUNTY'S LAND DEVELOPMENT CODE THAT PERTAIN TO SIGNS - ON DECEMBER 4, 2002, THE UNITED STATES DISTRICT COURT (JACKSONVILLE) ENTERED A JUDGMENT THAT DECLARED THREE SECTIONS IN ARTICLE VII OF THE COUNTY'S 1999 LAND DEVELOPMENT CODE UNCONSTITUTIONAL. THE COUNTY'S 1999 LAND DEVELOPMENT CODE WAS CREATED BY COUNTY ORDINANCE 99-51. ARTICLE VII WAS THE PORTION OF THE 1999 LAND DEVELOPMENT CODE THAT REGULATED SIGNS. THE DISTRICT COURT'S JUDGMENT DETERMINED THAT THE THREE SECTIONS (7.00.01, 7.00.08 AND 7.03.01) WERE UNCONSTITUTIONAL BECAUSE THEY PLACED TIGHTER SIGN RESTRICTIONS ON POLITICAL MESSAGE SIGNS, THAN ON COMMERCIAL SIGNS. THE JUDGMENT THEN ENJOINED THE COUNTY FROM ENFORCING THE ENTIRE ARTICLE VII. ON OCTOBER 15, 2002, PRIOR TO THE COURT'S JUDGMENT, THE COUNTY ENACTED ORDINANCE 2002-61, WHICH DELETED THE 1999 ARTICLE VII, IN ITS ENTIRETY, FROM THE LAND DEVELOPMENT CODE AND SUBSTITUTED A NEW ARTICLE VII, WHICH REGULATED SIGNS IN ITS PLACE (THE "2002" ARTICLE VII). THE DISTRICT COURT'S DECEMBER 4, 2002, JUDGMENT DID NOT DIRECTLY ADDRESS THE NEW ARTICLE VII THAT WAS CREATED BY ORDINANCE 2002-61

Proof of publication for this public hearing was received, having been published in *The St. Augustine Record* on April 15, 2004.

Dan Bosanko, County Attorney, stated that Laura Barrow, from his office, would be handling this item. Laura Barrow, Assistant County Attorney, stated that this item pertained to the Signs Section of the Land Development Code (LDC), as it related to a ruling from the Eleventh Circuit Court of Appeal in Atlanta. She explained that the Court found that portions of the sign regulations were constitutional, and that some portions were not. She outlined the proposed revisions that would change the unconstitutionality of the Ordinance, relating to the size, content, message and number of signs or flags.

(5:44 p.m.) Bosanko offered another revision to the draft Ordinance that Barrow presented, stating that one problem with the sign Ordinance, was that it allowed unlimited American flags, as a political message, but limited other political messages. He suggested that the Board consider taking out the "last resort" language, in an effort to limit the legal costs to the County, as the sign litigation has been very costly.

(5:46 p.m.) Jacalone stated that he felt that the current sign regulations were too complicated and detailed. He suggested looking at the section of the LDC, that pertains to signs, and make it less detailed. Bosanko agreed. Discussion followed regarding the limits imposed on political campaign signs, and the distinction between political campaign signs and political message signs. (5:56 p.m.) Meiszer suggested contacting the National Civic League, to get a model Ordinance on signs. Preferably, one that had been tested in the courts.

(5:57 p.m.) Jacalone announced that the next public hearing on this issue would be held on Tuesday, May 11, 2004, at 1:30 p.m. **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 5:57 p.m.

REPORTS:

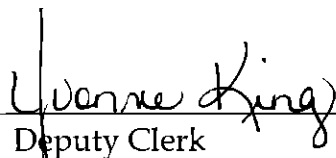
1. St. Johns County Check Register, Check Nos. 349995 through 350316, totaling \$1,259,284.86, dated 4/20/04

Approved May 25, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

