

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 18, 2004
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: Karen Stern, District 2, Chair
 Bruce Maguire, District 4, Vice-Chair
 Nicholas Meiszer, District 1
 Marc Jacalone, District 3
 James E. Bryant, District 5
 David Halstead, Assistant County Administrator
 Michael Hunt, Deputy County Attorney
 Lenora Newsome, Deputy Clerk

Also present: Allen MacDonald, Finance Director

(05/18/04 - 1 - 9:07 a.m.)

Chair Stern called the meeting to order.

(05/18/04 - 1 - 9:07 a.m.)

Jacalone gave the Invocation and Stern led the Pledge of Allegiance.

(05/18/04 - 1 - 9:08 a.m.)

ROLL CALL

Stern announced that all five Commissioners were present.

(05/18/04 - 1 - 9:09 a.m.)

PROCLAMATION DESIGNATING MAY 2004, AS MENTAL HEALTH MONTH

Bryant read the Proclamation, which was accepted by Lydia Holly, Director of Quality Service, St. Johns County Mental Health Department, who thanked everyone for the Proclamation and Betty Goyings, St. Johns County Mental Health Department, who spoke on support and needing volunteers.

(9:15 a.m.) Motion by Jacalone, seconded by Bryant, carried 5/0, that the previously read Proclamation be adopted.

(05/18/04 - 1 - 9:15 a.m.)

PUBLIC COMMENT

There was none.

(05/18/04 - 1 - 9:16 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(05/18/04 - 2 - 9:16 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to adopt **Resolution No. 2004-96**, accepting a Warranty Deed for the St. Augustine Shores Volunteer Fire Department, located on Shores Boulevard in St. Augustine Shores

RESOLUTION NO. 2004-96

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A WARRANTY DEED FROM ST. AUGUSTINE SHORES AREA VOLUNTEER FIRE DEPARTMENT LOCATED IN ST. AUGUSTINE SHORES SUBDIVISION

3. Motion to adopt **Resolution No. 2004-97**, authorizing the County Administrator to execute a Termination of Easement from Neal McSwain and Ella Mary McSwain to St. Johns County

RESOLUTION NO. 2004-97

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TERMINATION OF EASEMENT FROM NEAL MCSWAIN AND ELLA MARY MCSWAIN TO ST. JOHNS COUNTY

4. Motion to adopt **Resolution No. 2004-98**, approving the terms and authorizing the execution of DEP Contract No. RP565, authorizing the County to supply lifeguards to Anastasia State Recreation Area

RESOLUTION NO. 2004-98

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A CONTRACT TO PROVIDE LIFEGUARDS TO ANASTASIA STATE RECREATION AREA, PURSUANT TO THE TERMS OF DEP CONTRACT NO. RP565

5. Motion to adopt **Resolution No. 2004-99**, approving the final plat for Marshall Creek DRI, Unit MUB-4

RESOLUTION NO. 2004-99

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI, UNIT MUB-4

6. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 04-71
 - b. Proof, Notice to Bidders, Bid No. 04-74
 - c. Proof, Notice to Bidders, Bid No. 04-77
 - d. Proof, Notice of Meeting, Intergovernmental Committee, Wednesday, May 5, 2004 at 3:00 p.m.
 - e. 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.
 - f. Proof, Notice of Meeting, Proposed Exchange of County Property, St. Johns County Board of County Commissioners, Tuesday, April 13, 2004
 - g. Proof, Notice of Meeting, St. Johns County Board of County Commissioners and St. Johns County School Board, Wednesday, April 21, 2004 at 9:00 a.m.
 - h. Proof, Notice of Public Disclosure, Full Cost Accounting for Solid Waste Management Services
 - i. Proof, Notice of Hearing, Ordinance Relating to Signs, St. Johns County Board of County Commissioners, Tuesday, May 11, 2004 at 1:30 p.m.
 - j. Proof, Notice of Canceled Meeting, Canceled Water & Sewer Authority Meeting, Wednesday, May 5, 2004 at 9:00 a.m.
 - k. Proof, Notice of Hearings, St. Johns County, Fiscal Year 2005 Administrative Budget Hearings
 - l. Proof, Certificate of Liability Insurance, Construction Debris Removal, Inc.
 - m. Proof, Certificate of Liability Insurance, Westwind Contracting, Inc.
 - n. Proof, Certificate of Liability Insurance, Seaboard Waste Systems, Inc.

(05/18/04 - 3 - 9:16 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire requested to pull Item 14. Stern requested to add an item for discussion, Emergency Award of Construction of A1A Water Main Improvements, as Item 1A. Halstead requested to add, the report on Capital Improvements Projects for Bond Funding, when Jean Mangue arrived.

(05/18/04 - 3 - 9:18 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/18/04 - 3 - 9:19 a.m.)

1A. EMERGENCY AWARD OF CONSTRUCTION OF A1A WATER MAIN IMPROVEMENTS

Joe Burch, Purchasing Manager, reviewed this item and recommended awarding two contracts, one to Cornerstone Business, Inc., in the amount of \$500,00, the second to Wiring Technologies, Inc., in the amount of \$143,930. Discussion followed on the existing problems.

(9:24 a.m.) Neal Shinkre, Utility Engineering Manager, spoke on the reason for awarding the bids on this item. Discussion followed on the company understanding the full nature and scope of the work involved. (9:28 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to award emergency bids for construction of A1A Water Main Improvements in connection with Bid No. 04-28, to Cornerstone Business, Inc., in the amount of \$500,000, and to Wiring Technologies, Inc., in the amount of \$143,930.**

(05/18/04 - 4 - 9:29 a.m.)

1. PUBLIC HEARING - CONSIDER A RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PROPERTY PURCHASED FOR AFFORDABLE HOUSING TO THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY. ST. JOHNS COUNTY ACQUIRED (388) THREE HUNDRED EIGHTY-EIGHT LOTS FOR THE AFFORDABLE HOMEOWNERSHIP PROGRAM IN WEST AUGUSTINE IN DECEMBER 2002. ST. JOHNS COUNTY HOUSING AND COMMUNITY SERVICES HAS DEVELOPED AN INFILL AFFORDABLE HOMEOWNERSHIP PROGRAM. IT IS ANTICIPATED THAT THE BUILDABLE LOTS WILL BE DEVELOPED BY BOTH FOR-PROFIT AND NOT-FOR-PROFIT ENTITIES. COMMUNITY REDEVELOPMENT AGENCIES ARE ALLOWED GREATER ADMINISTRATIVE AND ECONOMIC DEVELOPMENT FLEXIBILITY UNDER THE STATE STATUTES. IT IS ALSO ANTICIPATED THAT THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TRUST FUND MAY BE UTILIZED TO REIMBURSE THE GENERAL FUND THROUGH PROCEEDS DERIVED FROM THE SALE OF THESE LOTS, OR FROM TAX INCREMENT REVENUES. PURSUANT TO THE AUTHORITY OF SECTION 125.38, FLORIDA STATUTES, THE ST. JOHNS BOARD OF COUNTY COMMISSIONERS IS AUTHORIZED TO CONVEY REAL PROPERTY TO ANY NOT-FOR-PROFIT ORGANIZATION, FOR THE PURPOSE OF PROMOTING PUBLIC AND COMMUNITY INTERESTS AND WELFARE

Tom Crawford, Director of Housing and Community Services, gave a quick update on their overall Homeownership Program. He reviewed the county owned property, showing the location of the lots, which would generate 222 new homes in West Augustine.

(9:36 a.m.) Greg White, 905 West King Street, Steering Committee, invited each Commissioner to attend their meeting. He briefly explained the Habitat affordable housing.

(9:39 a.m.) Septimus Connor, 205 Sara Nac Lane, spoke on partnering with Habitat.

(9:40 a.m.) Crawford stated that the first item would allow them to transfer the lots from the County to the Community Redevelopment Agency. Jacalone asked, by what means did the County acquire the 388 lots. Crawford replied by the General Fund. Discussion followed on the cost per lot, the lot development, for-profits and not-for-profits, transferring the lots to the Agency, the West Augustine CRA, and bonds. (10:02 a.m.) **Motion by Jacalone, seconded by Bryant, to adopt Resolution No. 2004-100, authorizing the conveyance of County owned property purchased for Affordable Housing to the St. Johns County Community Redevelopment Agency.**

(10:03 a.m.) Louise Thrower, 288 Orange Avenue, spoke on affordable housing, distributing information. **The motion carried 5/0.**

RESOLUTION NO. 2004-100

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PROPERTY PURCHASED FOR AFFORDABLE HOUSING TO ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY

(05/18/04 - 4 - 10:06 a.m.)

2. PUBLIC HEARING - CONSIDER A RESOLUTION AUTHORIZING THE CONVEYANCE OF (64) SIXTY-FOUR LOTS OWNED BY THE ST. JOHNS

COUNTY COMMUNITY REDEVELOPMENT AGENCY TO HABITAT FOR HUMANITY OF ST. AUGUSTINE/ST. JOHNS COUNTY. ST. JOHNS COUNTY ACQUIRED (388) THREE HUNDRED EIGHTY-EIGHT LOTS FOR THE AFFORDABLE HOMEOWNERSHIP PROGRAM IN WEST AUGUSTINE IN DECEMBER 2002. THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY MANAGES THESE LOTS. THE CRA DESIRES TO SERVE VERY-LOW INCOME HOUSEHOLDS. STAFF IS RECOMMENDING THE TRANSFER SIXTY-FOUR (64) OF THOSE LOTS TO THE HABITAT FOR HUMANITY OF ST. AUGUSTINE/ST. JOHNS COUNTY (HABITAT). IT IS EXPECTED THAT AFTER CONSIDERATION FOR DRAINAGE ISSUES THERE WILL BE APPROXIMATELY 55 HOMES CONSTRUCTED. HABITAT AGREES THAT THE HOMES TO BE CONSTRUCTED, WOULD BE FOR WORKING FAMILIES OF VERY-LOW-INCOME. THE AVERAGE COST OF THE HOMES IS APPROXIMATELY \$60,000, BEFORE ANY COUNTY ASSISTANCE. HABITAT IS A COMMUNITY EFFORT WITH FUNDS BEING PROVIDED THROUGH DONATIONS FROM BUSINESSES AND INDIVIDUALS. THE HOMES WILL BE FINANCED BY HABITAT, WITH A NO INTEREST MORTGAGE PAID BY THE HOMEOWNER. HABITAT EXPECTS TO BUILD ABOUT FIVE TO TEN AFFORDABLE HOMES FOR FAMILIES IN ST. JOHNS COUNTY EACH YEAR. SEVEN OF THE LOTS ARE ON PAVED ROADS AND CONSTRUCTION CAN START AS SOON AS WATER IS AVAILABLE AND ALL PERMITTING IS COMPLETE. A HOMEOWNERS ASSOCIATION WILL BE ESTABLISHED BY HABITAT TO MAINTAIN THE COMMUNITY. IT IS IN THE BEST INTEREST OF THE RESIDENTS OF ST. JOHNS COUNTY TO PROVIDE THESE AFFORDABLE HOME SITES DUE TO THE RISING COST OF LIVING IN ST. JOHNS COUNTY AND THE NEED TO SERVE VERY-LOW-INCOME WORKING FAMILIES

Crawford reviewed this item, showing the location of the lots.

(10:08 a.m.) Diane Quick, 5183 Pond View Drive, Jacksonville, spoke on what Habitat for Humanity did. (10:10 a.m.) Laura Barrow entered the meeting. Quick spoke on the homeowners participating with Habitat, and mentioned that they also are encouraged to participate afterwards with Habitat. (10:14 a.m.) **Motion by Jacalone, seconded by Bryant, to adopt Resolution No. 2004-101, authorizing the conveyance of sixty-four (64) lots owned by the St. Johns County Community Redevelopment Agency to Habitat for Humanity of St. Augustine/St. Johns County and authorizing the Chair, to execute the County Deed.** Maguire asked if they could still keep the balance of the property into the low-income bracket. Crawford responded yes they could.

(10:19 a.m.) Eliot Smith, 325 Marshside Drive North, Habitat for Humanity, spoke on affordable housing and the benefits of homeownership. (10:25 a.m.) **The motion carried 5/0.**

RESOLUTION NO. 2004-101

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACTING AS ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE CONVEYANCE OF SIXTY-FOUR (64) LOTS OWNED BY ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO HABITAT FOR HUMANITY OF ST. AUGUSTINE/ST. JOHNS COUNTY

(05/18/04 - 6 - 10:25 a.m.)

3. PUBLIC HEARING - CONSIDER A RESOLUTION AUTHORIZING THE CONVEYANCE AND TERMS OF SALE FOR LOTS OWNED BY THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO QUALIFIED BUILDERS AND HOMEBUYERS, UNDER AN INFILL HOUSING PROGRAM. ST. JOHNS COUNTY ACQUIRED (388) THREE HUNDRED EIGHTY-EIGHT LOTS FOR THE AFFORDABLE HOMEOWNERSHIP PROGRAM IN WEST AUGUSTINE IN DECEMBER 2002. THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY WILL OWN THESE LOTS ONCE TRANSFERRED FROM THE COUNTY. THE CRA DESIRES TO SERVE MODERATE, LOW AND VERY-LOW INCOME HOUSEHOLDS. STAFF HAS CONDUCTED ENVIRONMENTAL EVALUATIONS ON THE WETLANDS, AS WELL AS WORKED WITH THE CITY ON THE AVAILABILITY OF WATER, AND POSSIBLE SEWER SERVICE. THIS WAS NECESSARY IN ORDER TO DETERMINE WHICH OF THE LOTS WOULD MAKE ACCEPTABLE BUILDING SITES, IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE. STAFF IS RECOMMENDING CREATION OF AN INFILL HOUSING PROGRAM TO SELL APPROXIMATELY 100 LOTS TO PRIVATE BUILDERS FOR AFFORDABLE HOUSING. APPROXIMATELY HALF OF THESE LOTS ARE ON OPEN ROADS (PHASE 1). A PRELIMINARY ENGINEERING REPORT IS IN PROCESS, WITH THE EVENTUAL OPENING OF ROADS PROVIDING ACCESS TO THE REMAINING LOTS (PHASE 2). STAFF WILL DEVELOP TWO REQUESTS FOR PROPOSALS (PHASES 1 & 2) IN ORDER TO QUALIFY AND SELECT PARTICIPATING BUILDERS. STAFF IS RECOMMENDING THAT THE CRA FINANCE THE SALE OF THESE LOTS IN ACCORDANCE WITH THE TERMS OF THE ATTACHED RESOLUTION. THE SALE OF THESE LOTS, AND RESULTING CONSTRUCTION OF AFFORDABLE HOMES, WILL PROVIDE A SIGNIFICANT ECONOMIC BENEFIT TO WEST AUGUSTINE AND ITS RESIDENTS. PROCEEDS OF THE SALE OF THESE LOTS WILL BE ACCRUED TO THE CRA TRUST FUND FOR WEST AUGUSTINE AND MAY BE USED TO REPAY THE COUNTY GENERAL FUND, OR FOR THE DEVELOPMENT OF ADDITIONAL AFFORDABLE HOUSING OPPORTUNITIES. THIS WILL BE DETERMINED AT A FUTURE DATE BY THE CRA BOARD. IT IS ANTICIPATED THAT ALL BUILDABLE LOTS WILL BE DEVELOPED OVER THE NEXT 24 MONTHS

Crawford reviewed this item, showing the lots available, and explained the Private Builders Program. Crawford mentioned that the wetlands would not be sold. (10:32 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adopt Resolution No. 2004-102, authorizing the creation of an Infill Housing Program and financing the sale of lots, to qualified builders and homebuyers for affordable housing.** Barrow left the meeting.

RESOLUTION NO. 2004-102

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACTING IN THEIR CAPACITY AS THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE CONVEYANCE OF WEST AUGUSTINE COMMUNITY REDEVELOPMENT AREA INFILL LOTS OWNED BY ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO BUILDERS FOR THE PRODUCTION OF AFFORDABLE HOUSING

The meeting recessed at 10:33 a.m. and reconvened at 10:41 a.m.

(05/18/04 - 7 - 10:42 a.m.)

3A. CAPITAL IMPROVEMENT PROJECTS FOR BOND FUNDING

David Halstead reviewed this item and Mary Ann Blount, Real Estate Manager, explained what was being done.

(10:44 a.m.) Jean Mangué, serving as Council to the County, spoke on needing some kind of direction from the Board on how to proceed in preparing documentation for the bond issue. (10:47 a.m.) Daniel Bosanko, County Attorney, entered the meeting. Meiszer asked if combining the two issues into one would delay the project and would the savings made in the issuing cost, be offset by higher interest rates. Halstead replied that they spoke with PFM (Public Financial Management), and their advice was to go ahead with the combined project, which would be a cost savings to the County. Bryant voiced concerned about combining the two issues. Mangué stated that she agreed with PFM on combining the projects. Discussion followed on the limit of credit that the County had on getting the bonds issued, and having two series of bonds issued on the sales tax issue and how much the increase would be to the County. Bosanko brought to the Board's attention, that the list could be adjusted in the future by a Resolution, and not totally locked in once the Board came up with their list. (10:55 a.m.) **Motion by Meiszer, seconded by Bryant, to direct Staff to go with a one issue, 2 series within the one issue, sales tax bond issue.** Stern mentioned setting up a workshop for discussion on the project list. Crawford stated that they were in the process of updating the TIF projections for Vilano. **The motion carried 5/0.** Bosanko left the meeting.

(05/18/04 - 7 - 10:57 a.m.)

4. CONSIDER APPOINTMENTS TO THE HISTORIC RESOURCE REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item. **Stern nominated Barbara Parker, seconded by Jacalone, and Maguire nominated Holly Yelton, seconded by Jacalone, carried 5/0, to appoint Barbara Parker and Holly Yelton.**

(05/18/04 - 7 - 10:59 a.m.)

5. CONSIDER APPOINTMENTS TO THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL

Lundquist reviewed this item. **Bryant nominated Lynn Brueske to fill the At Large position, seconded by Stern, and Maguire nominated Gary Powers for the Human Services Professional, seconded by Bryant, carried 5/0, to appoint Lynn Brueske and Gary Powers.**

(05/18/04 - 7 - 11:00 a.m.)

6. CONSIDER APPOINTMENTS TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD

Lundquist reviewed this item. **Maguire nominated Susie Kelley and Robert Lingenfelter to fill the positions, seconded by Meiszer, carried 5/0, to appoint Susie Kelley and Robert Lingenfelter.**

(05/18/04 - 7 - 11:01 a.m.)

7. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF 3.2 ACRES AT 3171 COASTAL HIGHWAY, FOR A BEACHFRONT PARK WITH FUNDS FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM, WITH THE FIRST ANNUAL DEBT SERVICE AMOUNT TO BE PAID FROM GENERAL FUND RESERVES

Dave Williams, Aquatics Superintendent, reviewed this item, stating that the owners would like to see the area developed as off-beach parking. Williams relayed, for the State to come in and give them a matching dollar amount for mitigation, emergency bond work, or for beach nourishment projects, there would have to be a need for public use. Discussion followed on the scoring, where the money was coming from to pay for this project, using the area for many opportunities, and on what was on the site now. Maguire stated that if the County was going to pay the price for the property, he asked that the seller pay for the survey. Williams stated that they certainly could do that. Jacalone mentioned not letting the seller put limits on what they could do with the site, because they would have to follow limits when the funding came to them from FTC. Williams replied that they were not looking at any restrictions imposed from the seller. Discussion followed on getting everyone involved on this project. (11:15 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to adopt Resolution No. 2004-103, approving the terms and authorizing the execution of the Purchase and Sale Agreement for the acquisition of 3.2 acres, at 3171 Coastal Highway, with funds from the Pooled Commercial Paper Loan Program.**

(11:16 a.m.) Shorty Robbins spoke on working on the application for next year.

RESOLUTION NO. 2004-103

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR APPROXIMATELY 3.2 ACRES OF PROPERTY AT 3171 COASTAL HIGHWAY, FOR A BEACH-FRONT PARK; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR ITS ACQUISITION

(05/18/04 - 8 - 11:17 a.m.)

8. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF 1.8 ACRES ON LANDRUM LANE, FOR FUTURE COUNTY USE, AND AUTHORIZING THE PURCHASE FROM GENERAL FUND RESERVES

Tony Cubbedge, Real Estate, reviewed this item, stating that today, he had before the Board, an offer on the 1.8 acre parcel for \$200,000 and funding for this acquisition would still need to be appropriated from the General Reserves Fund. He stated that this would give the County 3.8 acres for future County use in the Ponte Vedra area on Landrum Lane, and as part of the Purchase and Sale Agreement, the owner would release the deed restrictions on the County owned site, being used only as a fire station. Discussion followed on what the County needed this land for, what to do with the property if the County acquired it, getting the deed restrictions removed without buying the other land, and if the County could not find a need for the property, to be able to surplus it and sell it. (11:25 a.m.) Laura Barrow, Assistant County Attorney, entered the meeting. Hunt stated that they could go to court and try to have the deed restrictions lifted, but it was not a certainty that the restrictions would be lifted. (11:29 a.m.) **Motion by Maguire, seconded by Jacalone, to adopt Resolution 2004-104, approving the terms and authorizing the execution of the Purchase and Sale Agreement for the acquisition of 1.8 acres on Landrum Lane, for future County use, and authorizing the purchase from General Fund Reserves.** Stern voiced concern on buying the property. Jacalone mentioned that there was wisdom in buying the property and he explained. Meiszer asked about having an appraisal on what the property was actually worth. Cubbedge responded that it would be done during their due diligence. Hunt stated that eminent domain would not work to lift the deed restrictions.

(11:36 a.m.) Mary Kohnke, 29 South Roscoe, explained that the little piece of property that the owner is trying to sell could not be used because there was no access to it. Discussion followed on the access to the property. **The motion carried 4/1 with Meiszer opposing.**

RESOLUTION NO. 2004-104

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF A 1.8 ACRE PARCEL FOR FUTURE COUNTY USE

(05/18/04 - 9 - 11:43 a.m.)

9. CONSIDER A MOTION TO ABATE THE FINES ON THE PROPERTIES LOCATED AT 235 BLVD DES PINS AND 301 HARVARD ROAD TO \$3,715.00 AND \$4,130.00, RESPECTIVELY

James Acosta, Supervisor of Code Enforcement, reviewed this item, stating that this was a request from the owners to reduce the amount of the fines on the two properties. Jacalone asked what the violations were. Acosta explained that one violation was on building an extra room without proper permits and the other violation was a permitted type of infraction. (11:46 a.m.) **Motion by Jacalone, seconded by Bryant, to reduce the fines on the properties located at 235 Blvd. Des Pins and 301 Harvard Road, to \$3,715.00 and \$4,130.00, respectively.** *Laura Barrow, Assistant County Attorney mentioned that this needed to be a motion to reduce the fines not a motion to abate the fines.* Jacalone stated that he accepted the change. **The motion carried 5/0.**

(05/18/04 - 9 - 11:47 a.m.)

10. CONSIDER A MOTION TO APPROVE PAYMENT OF \$759.91 FROM GENERAL FUND RESERVES TOWARDS UNIT CONNECTION FEES FOR A PUBLIC SHOWER NEAR THE BEACH RAMP AT A STREET

Bill Young, Utility Director, stated that he was here to convey a request, from the City of St. Augustine Beach, to waive or share the \$1,519 water unit connection fee assessed for a public shower on the east end of A Street at the beach. Jacalone mentioned that this would be a good addition. **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve payment of \$759.91 from General Fund Reserves towards unit connection fees for a public shower near the beach ramp at A Street.** (11:49 a.m.) Barrow left the meeting.

(05/18/04 - 9 - 11:50 a.m.)

11. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A TASK ORDER WITH ONE OR MORE COMPANIES CURRENTLY ON CONTINUING CONTRACT WITH ST. JOHNS COUNTY, NOT TO EXCEED A TOTAL OF \$250,000, FOR THE PURPOSE OF PROFESSIONAL SERVICES ASSOCIATED WITH THE ACQUISITION OF ST. JOHNS SERVICE COMPANY AND INTERCOASTAL UTILITIES, INC., AND TO APPROVE THE TRANSFER OF \$250,000 FROM THE UTILITY RESERVE FUND TO 4409-53100 (PROFESSIONAL FEES)

John Schwab, Special Projects Manager, stated that this item was a request for an open discussion on the possible acquisition of the St. Johns Service Utility Company and potential investigation for the elimination of a wastewater treatment plant in the adjacent service area of Intercoastal Utilities. Maguire mentioned that they had been working on this for over a year and reviewed its history. He stated that they would like to have a

citizen workshop, on site, at the facility in Sawgrass. Discussion followed on the amount to be paid, running it like a business, the public knowing about the sale, not having anything in writing, what they were asking for today, needing a public workshop and the rates not being subject to any control when the municipalities own the Utility.

(11:21 a.m.) Walter Rohrer, 2315 Clubview Court, spoke in opposition of this item.

(11:28 a.m.) Daniel MacDonald, 24501 Deer Trace Drive, Ponte Vedra Beach, spoke in opposition of this item. (12:30 p.m.) Meiszer left the meeting.

(12:31 p.m.) Mary Kohnke, 29 South Roscoe Blvd., spoke in opposition of this item and on the cost being way over priced. (12:35 p.m.) Meiszer returned to the meeting.

(12:41 p.m.) Robert Sandla, 110 Willow Pond Lane, Ponte Vedra, spoke in opposition of this item.

(12:43 p.m.) Larry May, 525 Quail Point Lane, Ponte Vedra, spoke in opposition of this item.

(12:46 p.m.) Motion by Jacalone, seconded by Stern, carried 5/0, to move the rest of morning items to the afternoon.

The meeting recessed at 12:47 p.m. and reconvened at 1:43 p.m. with Stern, Meiszer, Jacalone, Bryant, Halstead, Bosanko, and Diane Gorski, Clerks Office, present. Maguire was not in attendance.

(05/18/04 - 10 - 1:44 p.m.)

12. PUBLIC HEARING - REZ 2004-04, LDC BUSINESS PARK - THIS REQUEST SEEKS TO REZONE SIX (6) ACRES FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW) FOR A FIVE (5) ACRE BOAT/RV STORAGE AREA AND AN 11,000 SQUARE FOOT OFFICE/WAREHOUSE COMPLEX. ALTHOUGH NOT REQUIRED AS PART OF THIS REZONING, THE APPLICANT HAS PROVIDED A PRELIMINARY SITE PLAN SHOWING THE LOCATION OF THE PROPOSED USES, THE ENTRANCE ROAD OFF OF HOLMES BOULEVARD, AS WELL AS THE BUFFERS REQUIRED PER THE LAND DEVELOPMENT CODE. THIS PARCEL IS PART OF A LARGER PARENT PARCEL OWNED BY THE APPLICANT TO THE NORTH AND EAST. ADJACENT ZONING IS PRIMARILY INDUSTRIAL, WITH THE EXCEPTION OF A RESIDENTIAL DEVELOPMENT (THE LAKES SUBDIVISION), LOCATED ADJACENT TO THE SOUTH SIDE OF THE PROJECT. A 30-FOOT VEGETATED BUFFER, ALONG WITH A 6 FOOT HIGH CONCRETE WALL, WILL BE CONSTRUCTED TO BUFFER THE PROJECT FROM THIS SUBDIVISION PER THE LAND DEVELOPMENT CODE. IN ADDITION, THE PROJECT WILL BE SERVED BY CENTRAL WATER FROM THE CITY OF ST. AUGUSTINE AND AN ONSITE SEPTIC SYSTEM WILL BE USED UNTIL SUCH TIME AS CENTRAL SEWER BECOMES AVAILABLE

Proof of Publication of the Notice of a Proposed Rezoning on REZ 2004-04, LDC Business Park, was received, having been published in *The St. Augustine Record* on April 28, 2004.

Bruce Ford, Chief Planner, reviewed the request to rezone six acres from Open Rural (OR) to Industrial Warehouse (IW) for a five-acre boat/RV storage area and an 11,000 square foot office/warehouse complex on a parcel located on the east side of Holmes Boulevard, north of SR 207. He explained that the land use was Mixed Use, and that the adjacent zonings were Manufactured Homes (MH) to the south, IW to the west, and OR to the north and east side. He displayed the applicant's preliminary site plan (Exhibit s A & B). He stated that the applicant had committed to provide a six-foot high concrete wall and a

thirty-foot vegetative buffer along the boundary line. Ford announced that there were no open comments on the application and that Concurrency Certification had been approved on March 10, 2004, for a 72,400 square foot warehouse. He stated that Planning supported the request and found that it met the compatibility policy A.12.3.12, and that the application was consistent with the Land Development Code (LDC) and the requested rezoning with the required buffers was consistent and compatible with surrounding development. He explained that the requested zoning complied with and supported the goals and policies of the mixed-use provisions of the Comprehensive Plan. He said that the Planning and Zoning Agency (PZA) recommended approval of the request by a vote of 6/0 at the April 1, 2004 hearing and mentioned that they had received one property notice in favor of the request.

(1:46p.m.) Jacalone reviewed the general location map and asked for clarification on the proposed extension of SR 312, which was east of the property. Ford mentioned that SR 312 was proposed to tie into Holmes Boulevard. (1:48 p.m.) Stern invited the applicant to approach the Board. Karen Taylor, 3070 Harbor Drive (Exhibits C, D), explained that the south side of the site would be developed to avoid conflict with abutting properties or future projects. She stated that the applicant would provide a finished concrete wall and that there would be a fifty-foot buffer surrounding it. She mentioned that the property was located between the City and County Utility areas and that neither had wanted to serve this small project, but once the utilities were extended into the area the applicant would add on. (1:51 p.m.) **Motion by Bryant, seconded by Jacalone, carried 4/0, with Maguire absent, to enact Ordinance 2004-34, known as REZ 2004-04, LDC Business Park, adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2004-34

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/18/04 -11 - 1:52 p.m.)

13. PUBLIC HEARING - PUD 2003-32, COUNTRYWALK PUD - THIS REQUEST SEEKS TO REZONE 165 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW THE DEVELOPMENT OF A 179 UNIT SINGLE FAMILY PUD WITH ASSOCIATED RECREATIONAL AMENITIES. THE SUBJECT PROPERTY IS LOCATED APPROXIMATELY 1/4 MILE SOUTH OF SR 207, AT THE END OF VERMONT BOULEVARD. THE SUBJECT PROPERTY IS DESIGNATED RESIDENTIAL-B-MAINLAND ON THE 2015 FUTURE LAND USE MAP AND ALLOWS UP TO TWO UNITS PER ACRE. THE PROPOSED PROJECT HAS A GROSS DENSITY OF 1.08 UNITS PER ACRE AND A NET DENSITY OF 2.19 UNITS PER ACRE, WHICH INCLUDES A WETLANDS DENSITY BONUS (PRESERVED WETLANDS WILL MAKE UP 51% OF THE PROJECT AREA.) THERE ARE TWO NEIGHBORHOODS PROPOSED, NEIGHBORHOOD A WILL HAVE A MINIMUM LOT WIDTH OF 63 FEET AND A MINIMUM LOT SIZE OF 6,300 SQUARE FEET. NEIGHBORHOOD B WILL HAVE A MINIMUM LOT WIDTH OF 78 FEET AND A MINIMUM LOT SIZE OF 8,900 SQUARE FEET. THE PUD WILL ALLOW A MAXIMUM LOT COVERAGE OF 50%. THE PUD PROVIDES A TEN-FOOT PERIMETER BUFFER AND A SIGNIFICANT WETLAND PROVIDES AN ADDITIONAL BUFFER ON THE SOUTH AND WEST SIDES OF THE PROPERTY. THE NORTH SIDE IS BORDERED BY VERMONT HEIGHTS

SUBDIVISION. THE APPLICANT PROPOSES TO CONSTRUCT A MINIMUM 5 ACRE ACTIVE RECREATION AREA ON THE NORTHEAST SIDE OF THE PUD WHICH WILL CONTAIN A PLAYGROUND, BIKE PATHS AND BIKE RACKS, A PAVILION WITH PICNIC TABLES AND MAY INCLUDE A VOLLEYBALL COURT AND A MULTI-PURPOSE FIELD. NO WAIVERS ARE REQUESTED

Proof of Publication of the Notice of a Proposed Rezoning on PUD 2003-32, Countrywalk, was received, having been published in *The St. Augustine Record* on April 18, 2004.

Bruce Ford, Chief Planner, reviewed the request to rezone 165 acres from OR to PUD for a 179 unit single-family project with recreational amenities located south of SR 207 and approximately two miles west of I-95. He explained that the project had an allowed density of two units per acre and that the project had a gross density of 1.08 units per acre and a net density of 2.19 units per acre that included a wetlands preservation bonus. He stated that the project would be accessed via an extension of Vermont Boulevard off of SR 207. He explained that the applicant proposed to divide the project into Neighborhood A, with a minimum lot width of 63 feet and minimum lot size of 6,300 square feet, and Neighborhood B, with a minimum lot width of 78 feet and minimum lot size of 8,900 square feet, and include a five acre recreation area that would have a playground, bike paths, bike racks, a pavilion with picnic tables, and possibly a volleyball court and multi-purpose field. He explained that there would be a ten-foot perimeter buffer to the parcel on the west and south sides. He stated that the applicant was not requesting any waivers and that there were no outstanding comments, and that Staff supported the rezoning request and found the request to be consistent with Residential land use and the goals and policies of the Comprehensive Plan. He stated that the application was consistent with Section 5.03 and that a Concurrency Certificate had been issued on January 26, 2003, for 180 single-family units. He stated that the PZA had recommended approval of the request by a vote of 7/0 on April 1, 2004, and that the PZA had requested that the applicant provide language in the text to provide a six foot fence as a buffer to Coquina Crossing and that the applicant had complied with the request. Ford explained that they had received six adjacent property notices in favor and one objection (Exhibits A & B).

(1:56 p.m.) Jacalone asked Ford to review access to the site. Ford stated that access would be from SR 207. Jacalone clarified that the unopened portion of Vermont Boulevard would be opened and Ford concurred.

(1:58 p.m.) Katherine Wittington reviewed the proposed project (Exhibit C) and mentioned that she had concurred with the Staff Report. She explained that this was infield development along a busy corridor between St. Augustine and Palatka where there was a need for housing. She stated that the main access to the project would from SR 207 and mentioned that the DOT would be providing a median opening. She stated that the developer had committed to improve the existing portion of Vermont Boulevard to meet Minor Collector Standards with an eighty-foot right-of-way and five-foot sidewalks along both sides of the road. (2:00 p.m.) *Maguire entered the meeting.* She explained that the project would have a positive economic impact on the area. (2:00 p.m.) Jacalone asked why there was not a plan done for the entire site. Wittington clarified that he was asking about the adjacent property to the west and answered that 51% of the site was wetlands and that the applicant had not begun a plan to develop that area. (2:01 p.m.) Stern questioned improvements along Vermont Boulevard for access and confirmed that the road would be extended. She verified that there would be a sidewalk from SR 207 into the project area and Wittington concurred and mentioned that there would be internal sidewalks throughout the proposed project area.

(2:01 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance 2004-35, known as PUD 2003-32, Countrywalk PUD, adopting Findings of Fact 1 through 7, contained in the package to support the motion.**

ORDINANCE NO. 2004-35

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OR (OPEN RURAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

14. PUBLIC HEARING - PUD 2004-01, MONTURA PUD - THIS REQUEST SEEKS TO REZONE 10 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW THE DEVELOPMENT OF A 20-UNIT SINGLE FAMILY SUBDIVISION WITH ASSOCIATED RECREATIONAL AMENITIES (A MINIMUM .25 ACRE ACTIVE RECREATION AREA WILL BE LOCATED BETWEEN LOTS 2 AND 3, WHICH WILL INCLUDE A POOL AND A CHILDREN'S PLAY AREA.) THE SUBJECT PROPERTY IS SITUATED ON THE WEST SIDE OF PALM VALLEY ROAD AND BOUNDED ON THE NORTH BY CANAL BOULEVARD. INTERCOASTAL UTILITIES WILL PROVIDE WATER AND SANITARY SEWER. A FIVE-FOOT SIDEWALK WILL BE PROVIDED ALONG PALM VALLEY ROAD AND CANAL BOULEVARD BORDERING THE PROJECT. THE DEVELOPER MAY PROVIDE FOUR-FOOT SIDEWALKS ALONG ONE SIDE OF THE INTERNAL ROAD. THE SUBJECT PROPERTY IS DESIGNATED RESIDENTIAL-B-COASTAL (TWO UNITS PER ACRE) ON THE 2015 FUTURE LAND USE MAP. THE PROPOSED PROJECT HAS A GROSS DENSITY OF 2.0 UNITS PER ACRE

Proof of Publication of the Notice of a Proposed Rezoning on PUD 2004-01, Montura PUD, was received, having been published in *The St. Augustine Record* on April 28, 2004.

(Item 14 was pulled, to be rescheduled for June 1, 2004)

(05/18/04 - 13 - 2:02 p.m.)

15. PUBLIC HEARING - PLNADMAPL 2003-000003 - ON FEBRUARY 7, 2003, MR. GARY DAVENPORT, ACTING AS AUTHORIZED AGENT FOR MR. GARY PHILLIPS AND MR. DERICK WOOLVERTON, REQUESTED A VESTING FROM THE WETLAND BUFFERING REQUIREMENTS OF THE ADOPTED COMPREHENSIVE PLAN AND THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE FOR PARCEL #148990-0020, WHICH IS LOCATED APPROXIMATELY 1.5 MILES NORTH OF THE VILANO BRIDGE AND HAVING FRONTAGE ON THE EAST SIDE OF THE TOLOMATO RIVER. THE INITIAL REASON GIVEN FOR THE VESTING WAS THAT BULKHEADS, WHICH ARE CURRENTLY LOCATED ON THE SUBJECT PARCEL WITHIN THE WETLAND BUFFERS, WERE BUILT DURING THE EXEMPTION PERIOD WHEN ST. JOHNS COUNTY ALLOWED BULKHEADS TO BE CONSTRUCTED IN ACCORDANCE WITH A VALIDLY ISSUED AND UNEXPIRED PERMIT FROM THE DEP, OR OTHER APPLICABLE AGENCIES HAVING JURISDICTION, AND EXEMPTED THE SUBJECT PROPERTY FROM THE REQUIREMENTS FOR A WETLAND BUFFER. THIS EXEMPTION WAS GRANTED BY ORDINANCE 99-60, ADOPTED BY ST. JOHNS COUNTY ON OCTOBER 19, 1999, WHICH BECAME EFFECTIVE ON OCTOBER 22, 1999, AND WAS CODIFIED BY SECTION 4.01.02.E OF THE LAND DEVELOPMENT CODE (NATURAL RESOURCES PERMITTING). THE ORDINANCE WAS REPEALED FROM THE LAND DEVELOPMENT CODE ON APRIL 18, 2000. THE PLANNING DIVISION, ALONG WITH THE COUNTY ATTORNEYS OFFICE, CODE ENFORCEMENT, ENVIRONMENTAL PLANNING, AND THE SURVEY DEPARTMENT, MET WITH THE APPLICANTS NUMEROUS

TIMES AND SPENT SEVERAL MONTHS IN REVIEWING THIS REQUEST AND SUPPORTING MATERIALS, INCLUDING A SITE VISIT OF THE PROPERTY GRANTED BY THE APPLICANTS, IN ORDER TO DETERMINE IF THERE WAS SUFFICIENT EVIDENCE TO APPROVE THE VESTING BASED ON THE APPLICANTS STATEMENT THAT THE BULKHEADS WERE PLACED DURING THE EXEMPTION PERIOD. ON NOVEMBER 19, 2003, COUNTY ADMINISTRATION ISSUED A LETTER TO THE APPLICANTS DENYING THE VESTING REQUEST FROM THE 50 FOOT BUFFER, BASED ON A LACK OF EVIDENCE TO CONCLUSIVELY DETERMINE THAT THE BULKHEADS WERE PLACED DURING THE EXEMPTION PERIOD AND THAT THE BULKHEADS WERE PLACED WITH A VALID DEP/COE PERMIT AS REQUIRED BY EXEMPTION ORDINANCE 99-60 (SEE ATTACHED VESTING LETTER). HOWEVER, COUNTY ADMINISTRATION DID AGREE TO VEST THE APPLICANTS OF THE SUBJECT PARCEL FOR USE OF THE PROPERTY OF A 25 FOOT MINIMUM BUFFER, AS PROVIDED FOR IN POLICY F.1.3.7 OF THE 1990 ST. JOHNS COUNTY COMPREHENSIVE PLAN, UNDER THE PRINCIPLES OF COMMON LAW VESTING. THE COMMON LAW VESTING WAS APPROVED BASED ON THE FOLLOWING: (1) THE SUBJECT UNPARTITIONED PROPERTY WAS PURCHASED ON DECEMBER 23, 1991 BY DERICK WOOLVERTON AND GARY PHILLIPS FOR PURPOSES OF BUILDING AT LEAST ONE INDIVIDUAL SINGLE FAMILY HOME FOR EACH OF THESE OWNERS. (2) MR. WOOLVERTON AND PHILLIPS THEREAFTER, ON A MORE OR LESS CONTINUOUS AND PERSISTENT BASIS RESEARCHED, NEGOTIATED, AND IMPROVED SAID PROPERTY IN VARYING DEGREES IN FURTHERANCE OF SAID RESIDENTIAL USES. (3) SAID RESEARCH, NEGOTIATION, AND IMPROVEMENT WERE OF A RELATIVELY SUBSTANTIAL NATURE SHORT OF ACTUAL DESIGNS AND CONSTRUCTION OF NEW RESIDENCES AND WERE CARRIED OUT BASED ON APPARENT GOOD FAITH RELIANCE OF MR. WOOLVERTON AND MR. PHILLIPS AS TO THEIR EACH BEING ABLE TO BUILD AT LEAST ONE SINGLE FAMILY RESIDENCE ON THE SUBJECT PROPERTY TO WITHIN 25 FEET OF THE WETLAND JURISDICTIONAL LINE. PURSUANT TO PART 9.07.00 OF THE LAND DEVELOPMENT CODE (APPEALS), THE APPLICANTS MAY ASK FOR AN APPEAL TO VESTING DENIAL BY THE BOARD OF COUNTY COMMISSIONERS WITHIN 30 DAYS FROM THE DATE OF THE DENIAL LETTER. THE APPLICANT'S SUBMITTED THEIR APPEAL TO THE COUNTY ON DECEMBER 18, 2003 AND IS ASKING THE BOARD TO GRANT A VESTING FROM BOTH THE 50-FOOT AND 25 FOOT WETLAND BUFFERS

Proof of Publication of the Notice of a Proposed Rezoning on PUD 2003-03, Phillips, was received, having been published in *The St. Augustine Record* on April 30, 2004.

Bruce Ford, Chief Planner, gave background on the application and reviewed the general location map. He stated that Ordinance 99-60 was effective from October 22, 1999 to April 18, 2000, during which time the fifty-foot buffer was not required. The County had denied the vesting due to the lack of evidence that the bulkheads had been installed during the vesting period. (2:08 p.m.) Bosanko reviewed the applicant's request and mentioned that the County had reduced the fifty-foot buffer area to twenty-five feet, and that the applicant was now requesting zero buffer area. He explained that Staff had found conflicting evidence to the applicant's vesting claim. He reviewed the five points of conflicting evidence. Bosanko explained that Gary Phillips, the property owner, would present his perspective of the conflicting evidence. Bosanko reviewed the five findings of facts used by Staff to deny the vesting request.

(2:10 p.m.) Gary Phillips gave a PowerPoint presentation that covered their vesting request from 1999, to the present. He provided justification for the conflicting evidence cited in

the County Staff's five findings of fact, including affidavits overlooked by Staff. (2:53 p.m.) Meiszer disclosed ex parte communications with Phillips, and asked why Staff was not willing to accept the four affidavits attesting to the date the bulkheads were built. He asked for clarification from Bosanko. Bosanko explained that the timing and location of the bulkhead in the wetlands, without permitting, were the reasons Staff denied the request. Meiszer stated that a retention wall built on the applicant's own property should not be an issue. He said that he was willing to accept the affidavits unless Staff could prove them to be untrue.

(2:57 p.m.) Gary Davenport mentioned that his intention was to build a home. Jacalone asked if the two lots were included in another residential plan and Davenport replied that they were not. (2:59 p.m.) Stern declared ex parte communications with Davenport to discuss the request. Stern concurred with Meiszer. (2:59 p.m.) Maguire declared ex parte communications with Davenport and Wolverton to discuss the request and inspect the site. (3:01 p.m.) Bryant declared ex parte communications with Davenport, who discussed the vesting request.

(3:01 p.m.) Motion by Jacalone, seconded by Maguire, carried 5/0, to grant the requested vesting, known as PLNADMAPL 2003-000003, adopting Findings 1 through 4 to support the motion.

(05/18/04 - 15 - 3:02 p.m.)
COMMISSIONER REPORT'S

Commissioner Meiszer

Meiszer commented on the newspaper stories regarding booby-trapped political signs. He noted that the County Attorneys Office was drafting a sign ordinance and suggested that the legal office draft the sign ordinance to make it illegal to booby trap signs with nails, barbed-wire, razors and anything else that would cause harm to the public. Bosanko stated that it would be included in the draft.

(3:03 p.m.)

Commissioner Maguire

Maguire mentioned the national cemetery issue and stated that he had spoken with Wiley Dick, and that the people who did the analysis and site visitations for proposed cemeteries were preparing to visit St. Johns County within the next two months. He was hopeful that within a week to ten days an announcement regarding a potential site for a national cemetery in St. Johns County would be forthcoming.

Maguire asked how County Staff audited checks and invoices. Halstead explained that Staff processed the invoices and turned them over to their department head for review and then the invoices were sent to the Finance Department for final approval.

Maguire asked if an audit needed to be done following Vonasek's departure. Halstead stated that it would not be necessary. Meiszer commented that the reason it would not be necessary was that Vonasek had no custody of funds during his tenure. (3:06 p.m.) Bosanko explained that Cheryl Strickland, Clerk of Courts, working through Allen MacDonald, Finance Director, who acted as the Controller and verified invoicing and payment, S preformed an annual audit, which was done by outside auditors.

(3:07 p.m.)

Commissioner Stern

Stern stated that the Board had been remiss in not having presented a Resolution supporting a site in northeast Florida for a national cemetery. She offered a model Resolution to the legal office for review and stated that a Resolution would be coming before the Board in the near future.

She reviewed an article that referred to the National EMS week and bicycle crashes and asked Halstead to schedule a workshop regarding bicycle safety and bicycle routes involving the Recreation and Transportation Departments.

She mentioned that the St. Johns County Library System had received an Outstanding Programming Award from the Southeastern Library Information Network for their exceptional efforts in continuing education and staff development. She commended and congratulated all staff members of the library system.

(3:11 p.m.)

Commissioner Jacalone

Jacalone asked Halstead for an update on the permitting request to expand Vilano parking. Halstead stated that he would check on the status. He mentioned working with County Real Estate and Recreation staff to find a location within the county for boat ramps. He explained that Staff was working on acquiring a site within the county that would act as a secondary boat ramp facility and that he would keep the Board informed.

(3:12 p.m.)

Commissioner Bryant

Bryant stated that he had two items relating to the County Utility Department to discuss. He announced that on May 26, 2004, the Utility Department would have a symbolic turning on of the spigot to celebrate the completion of the retrofitting of major water lines at Coquina Gables, which would increase water pressure for fire and consumptive uses at 10 a.m. at the Corner of D Street and A1A Beach Blvd.

Bryant mentioned the Utility Department's ongoing commitment to upgrading the older neighborhoods, and explained that they were replacing 12,000 linear feet of line with two inch galvanized pipe in Menendez Park that would improve the water pressure in that area.

COUNTY ADMINISTRATOR'S REPORT

No report.

COUNTY ATTORNEY'S REPORT

No report.

CLERK OF COURT'S REPORT

No report.

(05/18/04 - 16 - 3:14 p.m.)

Maguire announced that David Williams, Aquatics Superintendent, had completed the final draft of the Beach Management Plan and that the Commission would be receiving a copy within the week for review.

(3:14 p.m.) Bryant mentioned that the Board had passed the intent to purchase property in Vilano Beach for parking and that the County needed to find property for beach parking within St. Johns County. He stated that the Volusia paper was reporting that due to danger and threats of lawsuits beach parking might soon be forbidden and that it was inevitable that someday all driving on beaches would be forbidden. He urged Staff to find off-beach parking.

(3:15 p.m.) Motion by Jacalone, seconded by Maguire, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 3:15 p.m.

CORRESPONDENCE:

1. Letter dated April 29, 2004 to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinance Nos. 2004-24, 25, and 26
2. Letter from Secretary of State acknowledging receipt of Ordinance Nos. 2004-24 through 2004-26
3. Letter dated April 29, 2004 to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinance Nos. 2004-27, 28, 29 and 30
4. Letter dated May 12, 2004 to Liz Cloud, Chief of Bureau Administrative Code, filing St. Johns County Ordinance Nos. 2004-31 and 2004-32
4. Letter dated May 12, 2004 to Liz Cloud, Chief of Bureau Administrative Code, filing St. Johns County Ordinance No. 2004-33

Approved June 15, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Karen R. Stern
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk

