

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JULY 13, 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  
Ben W. Adams, Jr., County Administrator  
Daniel Bosanko, County Attorney  
Diane Gorski, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts, Michael Hunt, Deputy County Attorney

(07/13/04 - 1 - 9:09 a.m.)  
Chair Stern called the meeting to order.

(07/13/04 - 1 - 9:10 a.m.)  
Stern gave the Invocation and Meiszer led the Pledge of Allegiance.

(07/13/04 - 1 - 9:11 a.m.)  
ROLL CALL

Stern announced that Commissioner Bryant would be absent during the morning session.

(07/13/04 - 1 - 9:12 a.m.)  
SPECIAL RECOGNITION OF DAVID E. HALSTEAD, ASSISTANT COUNTY ADMINISTRATOR

Ben Adams, County Administrator, announced Halstead's retirement after twenty-two years of service with St. Johns County. He summarized Halstead's career and praised his efforts and dedication. He presented Halstead with a Most Valuable Player of 2004 trophy, a photograph of the County Administrative Complex signed by several employees, a sign to post on his fence at his ranch location and then Chuck Stevens, Employee Sunshine Network Representative presented him with a gift certificate for a local restaurant. (9:19 a.m.) Stern presented Halstead with an Outstanding Service Award in recognition of his valuable contributions. (9:19 a.m.) David Halstead thanked everyone. Meiszer thanked Halstead for his hard work, dedication and years of service. (9:20 a.m.) Jacalone wished Halstead success and happiness. (9:21 a.m.) Adams presented Halstead with his board-meeting nameplate as a remembrance.

(07/13/04 - 1 - 9:23 a.m.)  
PUBLIC COMMENT

Mary Condit, 15 Tarpon Road East, spoke in opposition to the proposed new Northeast

High School site location and presented the Board with a packet that contained information relating to safety and traffic in the area that surrounds the proposed site. She invited the County Commissioners and School Board members to walk from Solana Road to the proposed new High School Site to assess the situation.

(07/13/04 - 2- 9:27 a.m.)

**DELETIONS TO CONSENT AGENDA**

Commissioner Meiszer requested that Item 11 be moved to Regular Agenda as Item 17a. Michael Hunt, Deputy County Attorney requested that Item 20 be moved to Regular Agenda as Item 9a and he also requested that Item 22 be moved to the Regular Agenda as Item 17b.

(07/13/04 - 2 - 9:29 a.m.)

**APPROVAL OF CONSENT AGENDA**

**Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to approve the Consent Agenda as amended.**

1. Approval of the Cash Requirement Report.
2. Minutes:  
06/15/04 - BCC Regular Meeting  
06/22/04 - BCC Regular Meeting
3. Sheriff's Bonds:  
Cancel: Alvarez, Philip D                      Bowes, Preston R                      Tuten, Tracy
4. Motion to adopt a Resolution amending the Local Housing Assistance Plan (LHAP) covering state fiscal years 2002/03, 2003/04, and 2004/05 and setting forth an effective date.

**RESOLUTION NO. 2004-156**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PLAN (HAP) COVERING STATE FISCAL 2002/03, 2003/04, AND 2004/05, AND SEETING AN EFFECTIVE DATE.**

5. Motion to approve the transfer of \$15,500 from General Fund Reserves (0083-59920) to the Golf Course contractual services (4429-53120) for the required evaluation of the Golf Course.
6. Motion to adopt a Resolution supporting amendment of the membership apportionment plan and planning boundary for the First Coast Metropolitan Planning Organization to include Nassau County.

**RESOLUTION NO. 2004-157**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING AMENDMENT OF THE MEMBERSHIP APPORTIONMENT PLAN AND PLANNING**

**BOUNDARY FOR THE FIRST COAST METROPOLITAN  
PLANNING ORGANIZATION TO INCLUDE NASSAU  
COUNTY.**

7. Motion to approve the transfer of \$25,000 from General Fund Reserves (0083-59920) to 0017-53140 (County Attorney's Outside Legal Fees) to fund the Interlocal Agreements with the Public Defender's Office and the State Attorney's Office for legal services.
8. Motion to authorize the County Administrator, or his designee, to dispose of Public Records for Social Services, Veterans Affairs, County Administration and Traffic & Transportation that have been retained for the allotted time set forth by the State of Florida General Records Schedule for Local Government Agencies (Schedule GS1-L).
9. Motion to award Bid 04-85, Lewis Speedway Sidewalk Improvements, to the low bidder, A.W.A. Contracting Company, Inc in the amount of \$379,335.30. (Exhibit A)
10. Motion to award Bid 04-81, Purchase of Wastewater & Water Treatment Chemicals for the St. Johns County Utilities Department, to the low bidder(s), Commercial Chemical, Univar USA, and Brenntag Mid-South for an estimated total contract amount of \$85,000.00 annually. (Exhibit B)
11. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contracts with the following firms: CRG Architects for Project #1, Growth Management Service Center; Architects Design Group for Project #2, Facilities Maintenance Dept. Building; and Howard Davis Assoc. Architects for Project #3, Utility Dept. Headquarters Building. If agreements cannot be reached with the recommended firms, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until agreements are reached for each project.

*This item moved to the Regular Agenda as Item No. 17a.*

12. Motion to adopt a Resolution accepting a Termination of Grant of Easement and a New Grant of Easement for water and sewer service to Marshall Creek Village Center Unit III Subdivision.

**RESOLUTION NO. 2004-158**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,  
ACCEPTING A TERMINATION OF GRANT OF  
EASEMENT AND A NEW GRANT OF EASEMENT FOR  
WATER AND SEWER SERVICE TO MARSHALL CREEK  
VILLAGE CENTER UNIT III SUBDIVISION.**

13. Motion to adopt a Resolution accepting the terms of the renewal of a Lease from the Town of Hastings to St. Johns County for the Hastings Library and authorizing the County Administrator to execute said Lease.

**RESOLUTION NO. 2004-159**

**A RESOLUTION BY THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,**



**ST. JOHNS COUNTY  
 BID TABULATION**

**BID TITLE**

LEWIS SPEEDWAY SIDEWALK  
 IMPROVEMENTS

ANY BIDDER AFFECTED ADVERSELY BY AN  
 INTENDED DECISION WITH RESPECT TO THE  
 AWARD OF ANY BID, SHALL FILE WITH THE  
 PURCHASING DEPARTMENT FOR ST. JOHNS  
 COUNTY, A WRITTEN NOTICE OF INTENT TO FILE  
 A PROTEST NOT LATER THAN SEVENTY TWO (72)  
 HOURS (EXCLUDING SATURDAY, SUNDAY AND  
 LEGAL HOLIDAYS) AFTER THE POSTING OF THE  
 BID TABULATION. PROTEST PROCEDURES MAY  
 BE OBTAINED IN THE PURCHASING  
 DEPARTMENT.

**OPENED BY**

LEIGH DANIELS

**TABULATED BY**

CHERYL ALBERTSON

**BID NUMBER**

ITB NO. 04-85

**OPENING DATE/TIME**

JUNE 9, 2004, 3:00 P.M.

**FROM**

06/09/04 4:00 PM

**UNTIL**

06/14/04 4:00 PM

**POSTING TIME/DATE**

06/09/04 4:00 PM

**PAGE (S) 1**

**OF**

**1**

**PAGE (S)**

BIDDERS	TOTAL LUMP SUM BID PRICE	BID BOND					
JENSEN CIVIL CONSTRUCTION	\$579,000.00	X					
BGCO, INC.	\$578,000.00	X					
AWA CONTRACTING CO.	\$379,335.30	X					

BID AWARD DATE - \_\_\_\_\_

Exhibit A

Consent  
9

# ST. JOHNS COUNTY BID TABULATION



*LDH*  
*RGD*

OPENED BY  
LEIGH DANIELS  
TABULATED BY  
RUDY GONZALEZ, CPPB  
VERIFIED BY  
*RGD*

PURCHASE OF CHEMICALS FOR  
UTILITIES DEPARTMENT  
ITB NO. 04-81  
JUNE 16, 2004 3:00 P.M.  
FROM 06/16/2004 4:00 PM UNTIL 06/21/2004 4:00 PM

BID TITLE  
PURCHASE OF CHEMICALS FOR  
UTILITIES DEPARTMENT  
BID NUMBER  
ITB NO. 04-81  
OPENING DATE/TIME  
JUNE 16, 2004 3:00 P.M.  
POSTING TIME/DATE  
06/16/2004 4:00 PM

PAGE (S) 1 OF 2 PAGE (S)

BIDDERS	ITEM #1 SODIUM HYPOCHLORITE	ITEM #1A, ANNUAL CHARGE PER TANK	ITEM #2, ALUM. SULFATE PER/GAL	ITEM #3 BISULFITE LIQUID PER/GAL	ITEM #4 SODIUM HYPOCHLORITE	ITEM #5 SODIUM HYPOCHLORITE	ITEM #6 SODA ASHLITE 50 LB PER/BAG	ITEM #7 ALUM. SULFATE PER/DRUM	ADDEZ. #1	ADDEZ. #2
DUMONT CO.	.98	N/C	1.50	1.95	.98	.98	13.25	107.25	Y	Y
SOUTHERN LIME	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	N	N
DPC ENTERPRISE	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	N	N
KED GROUP	NO BID	NO BID	1.989	NO BID	NO BID	NO BID	NO BID	354.75	Y	Y
KEMIRON COMPANY	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	N	N
UNIVAR USA	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	8.75	86.25	Y	Y
COMMERICAL CHEM.	.78	N/C	NO BID	NO BID	.78	.78	NO BID	NO BID	Y	Y

BID AWARD DATE - \_\_\_\_\_

# Exhibit B1

*Consent*  
*10*

**ST. JOHNS COUNTY  
 BID TABULATION**

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

**BID TITLE** PURCHASE OF CHEMICALS FOR UTILITIES DEPARTMENT  
**BID NUMBER** ITB NO. 04-81  
**OPENING DATE/TIME** JUNE 16, 2004 3:00 P.M.  
**POSTING TIME/DATE** FROM 06/16/2004 4:00 PM UNTIL 06/21/2004 4:00 PM

OPENED BY LEIGH DANIELS  
 TABULATED BY RUDY GONZALEZ, CPPP  
 VERIFIED BY *[Signature]*

PAGE (S) 1 OF 2 PAGE (S)

BIDDERS	ITEM #1 SODIUM HYPOCHLORITE	ITEM #1A, ANNUAL CHARGE PER TANK	ITEM #2, ALUM. SULFATE PER/GAL	ITEM #3 BISULFITE LIQUID PER/GAL	ITEM #4 SODIUM HYPOCHLORITE	ITEM #5 SODIUM HYPOCHLORITE	ITEM #6 SODA ASHLITE 50 LB PER/BAG	ITEM #7 ALUM. SULFATE PER/DRUM	ADDEN. #1	ADDEN. #2
JONES CHEMICAL	NO BID	NO BID	NO BID	1.85	NO BID	NO BID	NO BID	NO BID	Y	Y
BRENNTAG MID-SOUTH	NO BID	NO BID	1.71	1.79	NO BID	NO BID	9.75	105.05	Y	Y
<i>Amount's only for rebid's for 4 yr.</i>	4415-55200 350.00	—	4415-55200 not needed before 10/1/04	4415-55200 7500.00	4415-55200 2750.00	4411-55200 100.00	4411-55200 3500.00	4415-55200 not needed before 10/1/04		

BID AWARD DATE - \_\_\_\_\_

*Exhibit B2*

*Consent 10*

**ACCEPTING THE TERMS OF THE RENEWAL OF LEASE FROM THE TOWN OF HASTINGS TO ST. JOHNS COUNTY FOR THE HASTINGS LIBRARY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID LEASE.**

14. Motion to adopt a Resolution approving terms and to authorize execution of a Conservation Easement over 1.05 acres wetlands off Jack Wright Island Road to mitigate for wetland impacts associated with sidewalk improvements on Fruit Cove Road.

**RESOLUTION NO. 2004-160**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT OVER 1.05 ACRES WETLANDS IN THE YNEZ GOMEZ GRANT TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH SIDEWALKS ON FRUIT COVE ROAD.**

15. Motion to adopt a Resolution accepting an Easement for Utilities for a water line extension to Six Mile Creek North Subdivision.

**RESOLUTION NO. 2004-161**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR A WATER LINE EXTENSION TO SIX MILE CREEK NORTH SUBDIVISION.**

16. Motion to adopt a Resolution approving the terms of two Purchase and Sale Agreements and authorizing the County Administrator to execute said Agreements for the acquisition of two properties near an existing rail crossing for construction of a solid waste transfer station.

**RESOLUTION NO. 2004-162**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF TWO PURCHASE AND SALE AGREEMENTS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AGREEMENTS FOR THE ACQUISITION OF TWO PROPERTIES NEAR AN EXISTING RAIL CROSSING FOR CONSTRUCTION OF A SOLID WASTE TRANSFER STATION.**

17. Motion to adopt a Resolution authorizing the Clerk of Courts, under Section 95.361, Florida Statutes to file the survey map for Ware Lane, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive Easement in the same rights-of-way, in accord with principles set forth in Downing v. Bird, 100 So. 2d 57 (Fla. 1958).

**RESOLUTION NO. 2004-163**

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

18. Motion to adopt a Resolution approving a final plat for Marsh Harbor at Palm Valley Unit One-A.

**RESOLUTION NO. 2004-164**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSH HARBOR AT PALM VALLEY UNIT ONE-A**

19. Motion to adopt a Resolution approving a final plat for Marshall Creek DRI Unit EV-10A.

**RESOLUTION NO. 2004-165**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT EV-10A.**

20. Motion to adopt a Resolution approving a final plat for Island Cottages.

*This item moved to the Regular Agenda as Item No. 9a.*

21. Motion to adopt a Resolution approving a final plat for County Road No. 2209 and Johns Creek Parkway.

**RESOLUTION NO. 2004-166**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR COUNTY ROAD NO. 2209 AND JOHNS CREEK PARKWAY.**

22. Motion to adopt a Resolution approving a Final Plat for Bartram Oaks Phase 3.

*This item moved to the Regular Agenda as Item No. 17b.*

23. Motion to adopt a Resolution approving a Final Plat for Stonehurst Plantation Unit Two-C.



**RESOLUTION NO. 2004-167**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR STONEHURST PLANTATION UNIT TWO-C.**

24. Motion to adopt a Resolution approving a Final Plat for Marshall Creek DRI Village Center Unit Four.

**RESOLUTION NO. 2004-168**

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

25. Motion to approve the transfer of \$10,000 from the project contingency line item (0038-56300-0230-59923) to project building improvement line item (0038-56300-0230-56300) to issue change orders for the renovations to the Excelsior Service Center & Museum of Lincolnvilleville.
26. Motion to transfer \$200,000 from 1180-59100 to 1172-56200 and to transfer \$10,187 from 1180-59920 to 1172-56200, and a motion to authorize the County Administrator or his designee to negotiate and award the total lump sum bid amount to Cribbs Construction of St. Augustine, Florida for the new Bakersville Fire Station. (Exhibit C)
27. Motion to authorize the County Administrator or his designee to negotiate and enter into a contract with Turnbull Environmental, Inc., for the lump sum amount of \$72,500.00 for construction of the St. Johns County Golf Course Overflow Parking. (Exhibit D)
28. Motion to authorize the County Administrator to sign the agreement of understanding between the Department of Environmental Protection and St. Johns County on issues dealing with the County's acquiring property located on Stratton Road.
29. Motion to adopt a Resolution authorizing the County Administrator to sign the Letter of Agreement between St. Johns County and Healing Hands Rehabilitation Ranch, Inc.

**RESOLUTION NO. 2004-169**

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE LETTER OF AGREEMENT BETWEEN ST. JOHNS COUNTY COMMUNITY BASED CARE ("CBC") AND HEALING HANDS REHABILITATION RANCH, INC.**

30. Motion to adopt a Resolution authorizing the County Administrator to sign the first amendment to contract DJ993.

**ST. JOHNS COUNTY  
 BID TABULATION**



**BID TITLE**

**CONSTRUCTION OF  
 BAKERSVILLE FIRE STATION**

**BID NUMBER**

**BID NO. 04-87**

**OPENING DATE/TIME**

**JUNE 9, 2004, 3:00 P.M.**

**POSTING TIME/DATE**

**FROM 06/09/04 4:00 PM  
 UNTIL 06/14/04 4:00 PM**

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

**OPENED BY  
 TABULATED BY  
 VERIFIED BY**

**LEIGH DANIELS  
 CHERYL ALBERTSON**

PAGE (S) 1 OF 3 PAGE (S)

BIDDERS	TOTAL LUMP SUM BASE BID PRICE	ADD ALTERNATE #1	BID BOND	ADDENDUM #1	ADDENDUM #2
DENNIS SHEPARD ELECTRIC	\$92,756.00 (Electrical Only)	N/A	No	-	-
BA WILSON CONSTRUCTION, INC.	\$795,850.00	\$39,525.00	✓	✓	✓
CRIBBS CONSTRUCTION CO.	\$730,000.00	\$14,650.00	✓	✓	✓
CORE CONSTRUCTION CO.	\$748,400.00	\$17,900.00	✓	✓	✓
MALLEN CONSTRUCTION	\$879,800.00	\$16,500.00	✓	✓	✓
NOONEY CONSTRUCTION,	\$814,000.00	\$17,000.00	✓	✓	✓
C.C. BORDEN CONSTRUCTION, INC.	\$839,165.00	\$12,500.00	✓	✓	✓

BID AWARD DATE - \_\_\_\_\_

*Exhibit C1*

*Consent  
 26*

**ST. JOHNS COUNTY  
BID TABULATION**

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

**BID TITLE** CONSTRUCTION OF  
BAKERSVILLE FIRE STATION

**BID NUMBER** BID NO. 04-87

**OPENING DATE/TIME** JUNE 9, 2004, 3:00 P.M.

**POSTING TIME/DATE** FROM 06/09/04 4:00 PM UNTIL 06/14/04 4:00 PM

OPENED BY  
LEIGH DANIELS *[Signature]*

TABULATED BY  
CHERYL ALBERTSON *[Signature]*

VERIFIED BY

PAGE (S) 2 OF 3 PAGE (S)

BIDDERS	TOTAL LUMP SUM BASE BID PRICE	ADD ALTERNATE #1	BID BOND	ADDENDUM #1	ADDENDUM #2
MILITARY CONSTRUCTION CORP.	\$1,038,702.00	\$16,177.00	✓	✓	✓
HASHMAN CONSTRUCTION	\$832,803.00	\$11,605.00	✓	✓	✓
NEWMAN CONSTRUCTION OF JACKSONVILLE	\$782,463.00	\$15,256.00	✓	✓	✓
DIVERSIFIED DEVELOPMENT SOUTHEAST	\$743,000.00	\$12,300.00	✓	✓	✓
E. VAUGHAN RIVERS, INC.	\$790,000.00	\$14,000.00	✓	✓	✓

BID AWARD DATE - \_\_\_\_\_

*Exhibit C<sub>2</sub>*

*Consent  
26*

# ST. JOHNS COUNTY BID TABULATION



BID TITLE

ST. JOHNS COUNTY GOLF  
COURSE OVERFLOW PARKING

BID NUMBER

BID NO. 04-88

OPENING DATE/TIME

JUNE 9, 2004, 3:00 P.M.

POSTING TIME/DATE

FROM 06/09/04 4:00 PM  
UNTIL 06/14/04 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY  
TABULATED BY  
VERIFIED BY

LEIGH DANIELS  
CHERYL ALBERTSON

PAGE (S) 1 OF 1 PAGE(S)

BIDDERS	TOTAL LUMP SUM BID PRICE	BID BOND				
TURNBULL ENVIRONMENTAL	\$72,500.00	X				
A.W.A. CONTRACTING CO., INC.	\$73,495.00	X				
HARDEN GOLF & RECREATIONAL SURFACES	\$115,869.00	X				

BID AWARD DATE - \_\_\_\_\_

# Exhibit D

Consent  
27

**RESOLUTION NO. 2004-170**

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN THE FIRST AMENDMENT TO THE CONTRACT DJ993 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE DEPARTMENT OF CHILDREN AND FAMILIES.**

31. Motion to adopt a Resolution accepting the terms of a Contract Renewal between the County and Department of Juvenile Justice, and authorizing the County Administrator to execute the Agreement on behalf of the County.

**RESOLUTION NO. 2004-171**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE CONTRACT WITH THE DEPARTMENT OF JUVENILE JUSTICE.**

32. Motion to adopt a Resolution accepting the terms of a Qualified Service Organization Agreement between the County and the Northeast Florida Safety Council, Inc. and authorizing the County Administrator to execute the Agreement on behalf of the County.

**RESOLUTION NO. 2004-172**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE CONTRACT WITH NORTHEAST FLORIDA SAFETY COUNCIL, INC.**

33. Motion to adopt a Resolution approving the terms, provisions, conditions, and requirements of an Infrastructure Co-Construction Agreement between the World Commerce Center, and St. Johns County, Florida, and authorizing the County Administrator to execute the Agreement (similar to that attached hereto and incorporated herein by reference) on behalf of the County.

**RESOLUTION NO. 2004-173**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE TERMS OF AN AGREEMENT BETWEEN WORLD COMMERCE CENTER AND ST. JOHNS COUNTY FOR THE ENGINEERING DESIGN, PERMITTING AND CONSTRUCTION OF SOUTH FRANCIS ROAD AND APPROVED CERTAIN SHARED RESPONSIBILITIES FOR THIS TRANSPORTATION PROJECT.**

(07/13/04 - 7 - 9:29 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Ben Adams, County Administrator asked that the Request for use of the Northwest Annex Multipurpose Room be added to the Regular Agenda as Item A1. Dan Bosanko,

County Attorney asked to add a brief discussion regarding the Department of Juvenile Justice cost shift to the county as Item 17c.

(07/13/04 - 8 - 9:30 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to approve the Regular Agenda as amended.**

(07/13/04 - 8 - 9:31 a.m.)

REQUEST FOR USE OF THE NORTHWEST ANNEX MULTIPURPOSE ROOM

Meiszer requested Board approval for the use of the county annex in the northwest by citizens groups and explained that citizens groups had been unable to utilize the facility because of red tape. He asked that use of the room be encouraged and that the Board direct Staff to encourage the use of the facility, accommodate its use and make it easier for people to use the facility. (9:36 a.m.) Jacalone concurred and stated that the libraries and fire stations were used all the time for public meetings and said that those public buildings did not require Board approval for use. Jacalone directed Adams or his designee to authorize use of the Northwest Annex Building as an accessible public building. (9:37 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0 with Bryant absent, to authorize use of the Northwest Annex Multipurpose room on July 22, 2004 from 7:00 p.m. to 9:00 p.m. for a candidates forum.** Stern concurred with Meiszer and Jacalone and directed Adams or his designee to make the use of the multipurpose room available to the public. (9:38 a.m.) Adams stated that he would take steps to ensure that there would be no further problems with public access to the facility. (9:38 a.m.) Mary Kohnke, 29 Roscoe Blvd., asked for clarification of the authorized use of the facility. (9:39 a.m.) Stern explained that the facility would be made available to the public in general.

(07/13/04 - 8 - 9:39 a.m.)

1. PRESENTATION OF THE RECAPITULATION FOR THE 2003 BALANCED TAX ROLL AND ERROR & INSOLVENCIES REPORT

Tommy Edwards, Director of Accounting, St. Johns County Tax Collectors Office, presented the Errors, Discounts, Double Assessments and Insolvencies for the 2003 Tax Roll as required by Florida Statute 197.492, and stated that this year their collection rate had been 99.901%. He asked the County Commissioners to sign three copies, one for the County records and the other for the Tax Collectors office. (9:41 a.m.) **Motion by Meiszer, seconded by Maguire, carried 4/0, with Bryant absent, acknowledging that the Tax Collectors report had been received.**

(07/13/04 - 8 - 9:42 a.m.)

2. CHAMBER OF COMMERCE QUARTERLY ECONOMIC DEVELOPMENT UPDATE

Kari Hall-Keating, Director of Economic Development & Tourism (EDT), St. Augustine and St. Johns County Chamber of Commerce presented a quarterly economic development update. She announced that the Chamber of Commerce was hosting a retirement party this evening for Representative Doug Wiles and stated that everyone was welcome to attend. She covered key performance points in the April through June 2004 quarter and announced that the 2004 Benefit Surveyed had been kicked off and was underway and the existing business survey results had just been published. She reviewed the results of the survey for the Board. (9:56 a.m.) Maguire commented that the report had been well presented and asked for clarification of the Investment

Forecast Report that mentions that 72% of businesses expressed a desire to expand within the next three years. He asked if the EDC had any recommendations or improvements that local government could utilize to encourage business to expand. Hall-Keating answered that the survey had revealed that 84% of the companies saw no barriers to growth. (9:57 a.m.) Meiszer asked for clarification on the emerging and declining businesses results. Hall-Keating replied that the survey had asked these companies for their perceptions. He asked Hall-Keating to rephrase the question so that a more accurate result would be recorded. (9:59 a.m.) Jacalone stated that the result did not appear to be representative of the county as a whole. He explained that the "emerging company" label was deceptive. He mentioned that the labor growth and population were growing at a similar rate. Hall-Keating answered that the concern was for availability of workers with the skills needed by an employer. Jacalone stated that economic climate in Northeast Florida was favorable. He clarified that the problems and permitting issues noted in the survey needed to be more detailed to identify the non-county agencies that require permitting such as the Water Management District, Department of Environmental Protection, and the Army Corps of Engineers to name a few. (10:03 a.m.) Stern stated that there had been an increase in expanding businesses and the increases in availability, quality, stability and productivity of the work force.

(07/13/04 - 9 - 10:05 a.m.)

3. CONSIDER A MOTION TO DIRECT THE COUNTY ADMINISTRATOR TO DEVELOP A CONTRACT WITH POST, BUCKLEY, SCHUH & JERNIGAN FOR PHASE 1 OF A COMPREHENSIVE VALUATION, FEASIBILITY AND ANALYSIS OF THE ST. JOHNS SERVICE COMPANY

John Schwab, Special Project Manager, explained that the Board needed to consider whether or not the County should employ Post, Buckley Schuh & Jernigan (PBS&J) to do a feasibility analysis on the potential acquisition by St. Johns County of a utility in the northeast sector of the county. He explained that there had been an initial offer from the St. Johns Service Company (SJSC) in the form of a lease purchase agreement that had changed to an outright cash sale. He stated that the County had requested Jacksonville Electric Authority (JEA) give their position on the acquisition and that the letter included in today's packet explained that they were not interested in acquiring this utility at this time. He reviewed the scope of services and cost of the study provided to the County by PBS&J. (10:06 a.m.) Jacalone asked what this analysis would accomplish that the original analysis completed by Hartman did not. Schwab reviewed a letter from Hartman and Associates that explained the purpose of their original study had been a preliminary analysis predicated on the initial proposal that had been a lease purchase proposal. Jacalone asked if the original analysis had completed an analysis of the SJSC utility and Schwab answered that it had, but that the analysis had not been based on the sale of the utility and an appraisal had not been done. He explained that PBS&J's study would include an actual appraisal, valuation and feasibility study of the utility as a cash sale. Jacalone stated that the Board needed to decide whether or not the County would be interested in acquiring the utility and if so, the County needed to start negotiating directly with the utility owner and make a decision based on the negotiations. He questioned the need for an additional study. (10:09 a.m.) Maguire explained that the original appraisal had been based on the original offer and that comparisons could not be drawn. He mentioned that SJSC had made it clear that they were selling the property and they had given the County an opportunity to acquire it and asserted that it would be prudent for the county to evaluate the potential for the benefit of the citizens. (10:11 a.m.) Schwab read a portion of the letter received from Hartman: "no opinions, conclusions or interpretations should be formulated based on a part or whole of the draft document and that if they desired to go forward Hartman would have an opportunity to conduct a full and complete opinion of value for the SJSC". (10:12 a.m.) Meiszer discussed the offer and suggested determining if the

acquisition of the utility would be profitable for the county and beneficial to the community. (10:22 a.m.) Maguire asked Schwab to read the letter from JEA into the record (Exhibit A). Schwab read the letter aloud. (10:26 a.m.) Stern reread a portion of the letter and asked for clarification. Schwab clarified the purpose of the scope of services and feasibility study. He explained that the ultimate result of the acquisition needed to be known. (10:28 a.m.) Jacalone questioned raising rates as a result of acquiring the utility. (10:29 a.m.) Meiszer stated that if St. Johns County were determined to acquire the utility a study would be necessary. He suggested that the study include a customer over-site committee and that the Board formally appoint a lead negotiator. (10:33 a.m.) Jacalone stated that Jacksonville Beach would not be able to serve St. Johns County without county approval and Schwab concurred. Jacalone asked for clarifications of the ability of Jacksonville Beach utilities to come in and serve an existing customer base without permission. Hunt asserted that approval by the Board of County Commissioners would be required. (10:34 a.m.) Meiszer disagreed and asked for the Florida Statute that prohibited provision of services outside of city or county limits without approval. (10:35 a.m.) Hunt stated that an agreement would need to be approved to operate a system outside the scope of the county.

(10:36 a.m.) Stern recessed the meeting and then called the meeting to order at 10:45 a.m.

(10:46 a.m.) Robert Utsey, 625 Millers Dam Court, encouraged the Board to go forward with the feasibility study. He stated that it would be the vehicle to protect natural resources and an opportunity for revenue.

(10:47 a.m.) Mary Kohnke, 29 South Roscoe Blvd., asked if this acquisition would be economically feasible and wondered if this would be a smart business proposal and wondered if customer's rates would be raised. (10:54 a.m.) Meiszer clarified that law did not require the Interlocal agreement. Kohnke asserted that St. Johns Service could not be purchased without raising rates.

(10:56 a.m.) Jim McCarthy, 296 Deer Run Drive, spoke in favor of authorizing a feasibility study so that an informed decision could be made.

(10:58 a.m.) Marcy Silkebaken, 1145 Neck Road, asked the Board to deny the expenditure of another study. She reviewed the results of the Hartman and Associates study (Exhibit B).

(11:01 a.m.) Clara Cowan, 244 Patrick Mill Circle, spoke in opposition to a new feasibility study and the cost of purchasing the utility.

(11:04 a.m.) Richard Bowers, 6504 Burnham Circle, spoke in favor of the feasibility study and asserted that the study would result in reasonable rates for customers. He stated that a well-regulated utility company would provide good service and revenue for St. Johns Service Company.

(11:05 a.m.) John Daniel, 2018 Palmetto Point Drive, spoke in favor of the feasibility study to establish the valuation of the St. Johns Service Company. He stated that he preferred the County control the utility company than another entity.

(11:06 a.m.) Anne Guenther, 405 Flagler Boulevard, spoke in favor of the feasibility study.

(11:07 a.m.) Walter Rohrer, 2315 Club View Court, asked the Board to consider purchasing both Intracoastal and St. Johns Service Company utilities that would link



the three utilities together and better serve the residents in St. Johns County. He stated that a new appraisal was not necessary. He asked the Board to negotiate directly with the seller.

(11:11 a.m.) Lanny Russell, 8260 Merganser Drive, said that St. Johns Service Company would be sold to someone and that rates would change. He stated that it would be appropriate for local government to own and control the utility. He explained that local government would be able to effectively and efficiently provide services. He spoke in favor of the feasibility study.

(11:13 a.m.) Jim Bonanno, 481 Deltona Blvd., spoke in favor of the feasibility study.

(11:14 a.m.) Cyndi Stevenson, 148 Cat Tail Circle, supported the feasibility study. She stated that consumers would benefit from County ownership and that it made economic sense.

(11:15 a.m.) Danny Berenberg, 91 San Juan Drive, encouraged the Commission to go forward with the feasibility study.

(11:17 a.m.) Maguire read a note from Joan Dilorio, 524 Fox Hollow Lane. Dilorio encouraged the Board to approve the funding for a feasibility study of the St. Johns Service Company.

(11:18 a.m.) David Garwood, 1159 Salt Marsh, asked the Board to consider the purchase of this utility. He supported the approval of the feasibility study.

(11:19 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., requested a study to find out how water rates would be affected by the acquisition of other utilities.

(11:22 a.m.) Louise Thrower, 288 Orange Avenue, agreed that the county should control utilities. She asked for pure government across the county.

(11:23 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, supported Thrower's position and spoke against urban sprawl.

(11:27 a.m.) **Motion by Maguire, seconded by Stern, to direct the County Administrator to develop a contract with Post, Buckley, Schuh, and Jernigan for Phase I of the comprehensive valuation, feasibility, and analysis of St. Johns Service Company; and the \$60,000 be taken from General Fund reserves and that money be recouped if the utility is purchased.** (11:27 a.m.) Adams clarified that the monies be taken from General Reserve with language added to recoup the cost if the county purchased the utility. Jacalone asked why the agenda sheet had indicated that no funding was required and yet funding had been requested. (11:28 p.m.) Schwab replied that the agenda sheet should have indicated that funding was necessary. (11:29 a.m.) Meiszer asked why there could not be an amendment to the St. Johns Service Company (SJSC) contract to cover the expense of the feasibility study and include some of the factors that had been missed and Schwab explained that SJSC never agreed to pay for a second analysis. (11:33 a.m.) Meiszer questioned the consultants lack of communication to the parties involved and stated that the proposed study would not address all of the issues. (11:37 a.m.) Sid Ansbacher, 780 N. Ponce De Leon Blvd, explained that the SJSC had agreed to fund a study by the designee of the county and that SJSC had no direction or control in determining who would perform the study. He explained that the original proposal had not been a cut and dry standard utility sale; it was half sale and half lease option. He stated that there had been concerns on the valuation and that Hartman had not noted that SJSC had substantial real estate holdings and these were

not included in the study. He asked that the item be continued to give him an opportunity to speak with Bobby Stein who had the authority to approve the funding. (11:41 a.m.) Maguire requested his motion be put on hold until the afternoon session of the meeting when addition information is provided; Stern concurred. (11:43 p.m.) The item was continued to allow Ansbacher to contact Stein. (11:53 p.m.) Ansbacher stated Stein had agreed to fund the proposal for up to \$50,000 provided that if there was a decision to acquire the utility that it be rolled back into the acquisition price. He requested that PBS&J perform the study because Hartman's costs continued to rise. (11:54 a.m.) **Motion restated by Maguire, seconded by Stern, to direct the County Administrator to develop a contract with Post, Buckley, Schuh & Jernigan for phase I of a comprehensive valuation and feasibility and analysis of the St. Johns Service Company utility, not to exceed \$50,000.00, to be paid for by St. Johns Services utility, and the cost of the study to be recovered by St. Johns Services utility if the County determines to acquire the utility.** Discussion regarding the purpose of the study and phasing took place.

**Roll Call Vote:**

**Meiszer** aye  
**Stern** aye  
**Jacalone** aye  
**Maguire** aye

(11:58 a.m.) **The motion carried 4/0 with Bryant absent.**

(07/13/04 - 12 - 11:43 a.m.)

4. CONSIDER A MOTION TO TRANSFER \$89,000 FROM 0083-59920 GENERAL FUND RESERVE TO 0042-56300 DETENTION FACILITIES BUILDING IMPROVEMENTS TO INSTALL FIRE SPRINKLERS AT THE ST. JOHNS COUNTY SHERIFF'S OFFICE ANNEX BUILDING

Mike Rubin, Director of Construction Services, reviewed the need for fire sprinkler system installation to the Sheriff's office annex building to meet code. He explained that if the transfer was approved the contract would be back to the Board for approval at a later date. Discussion ensued. (11:48 a.m.) **Motion by Jacalone, seconded by Stern, carried 3/1, with Maguire opposed and Bryant absent, to transfer \$89,000 from 0083-55920 General Fund Reserve to 0042-56300 Detention Facilities Building Improvements for costs associated with the installation of fire sprinklers at the St. Johns County Sheriff's Office Annex Building.**

(11:53 a.m.) *Stern recalled Item 3.*

(07/13/04 - 12 -11:59 a.m.)

5. CONSIDER APPOINTMENTS TO THE ADJUSTMENT & APPEALS BOARD

Melissa Lundquist, Administrative Coordinator explained that alternate member Audrey Short had requested a full term appointment. (12:00 p.m.) **Motion by Maguire, seconded by Jacalone, carried 4/0, with Bryant absent, appointing Audrey Short to the Adjustment & Appeals Board for a full four-year term, scheduled to expire July 13, 2008.** Lunquist announced that an advertisement would be posted for the two alternate vacancies and that the potential candidates would be brought back to the Board.

(07/13/04 - 12 -12:01 p.m.)

6. CONSIDER APPROVAL AND ENDORSEMENT OF THE BEACH MANAGEMENT PLAN

Dave Williams, Aquatic Superintendent, mentioned that the changes to the management plan had been primarily in the beach access chapter and that access inventory had been completed. He gave a brief overview of the new plan. (12:03 a.m.) Maguire asked that emergency vehicle location points be pre-designated. He asked Williams if the Beach Management Plan contained the beach restrictions. Williams explained that Ordinance No. 97-34 contained the beach code. (12:04 p.m.) **Motion by Maguire, seconded by Stern, carried 4/0, with Bryant absent, to formally approve and endorse the Beach Management Plan.** (12:06 p.m.) Jacalone requested that page numbers be added to the management plan.

(12:08 p.m.) **Motion by Jacalone, seconded by Maguire, carried 4/0, with Bryant absent, to move Items 7, 8 & 9 to the beginning of the afternoon session.**

(12:09 a.m.) The meeting recessed and reconvened at 1:42 p.m. with Stern, Maguire, Jacalone, Bryant, Meiszer, Adams, Hunt, and Deputy Clerk Lenora Newsome present.

(07/13/04 - 13 - 1:42 p.m.)

7. CONSIDER MOTION TO ADOPT A RESOLUTION RELATING TO THE TRANSFER OF CABLE TELEVISION FRANCHISE RIGHTS TO LITESTREAM HOLDINGS, LLC

Michael Hunt, Deputy County Attorney, reviewed the request. He explained that there had been a franchise granted to Litestream Technologies, LLC, in February of 2002 and that subsequent to that time there had been majority interest purchased by the American Capital Group and because American Capital Group had not paid into the Litestream fund the company had been forced into bankruptcy. He explained that as a result of the bankruptcy a new entity, Litestream Holdings, LLC, had purchased the franchise and needed approval from the County Commission. He further explained that Litestream Holdings, LLC was also requesting expansion of their service area. He explained that Litestream Technologies, LLC was requesting approval of holdings to Litestream Holdings, LLC. (1:44 p.m.) Maguire expressed his concern with the maintenance capabilities and operations and government access and requested clarification from the applicant. (1:45 p.m.) Dave Reed, Representative of Litestream Technologies, LLC, asserted that there was an interconnect agreement which would include government access. Maguire clarified that this change in connectivity would be at no cost to the county and that government access would be live twenty-four hours a day, seven days a week and Reed concurred. Reed announced that Litestream would be a presence in St. Johns County and that their office would be located in the Commerce Building across from the World Golf Village. He explained that Customer Services Representatives, Technicians, management staff and construction staff would be housed in St. Johns County. (1:47 p.m.) **Motion by Meiszer, seconded by Maguire, carried 5/0, to adopt Resolution No. 2004-174 relating to the transfer of cable television franchise rights to Litestream Holding, LLC.**

#### RESOLUTION NO. 2004-174

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, WAIVING VIOLATION OF SECURING COUNTY APPROVAL FOR THE PRIOR SALE OF CONTROLLING INTEREST IN LITESTREAM TECHNOLOGIES, LLC, TO AMERICAN CAPITAL CORPORATION, WAIVING ANY LIQUIDATED DAMAGES ASSOCIATED WITH THE FAILURE TO SECURE SUCH PRIOR APPROVAL, AND APPROVING THE PENDING TRANSFER OF COUNTY CABLE TELEVISION FRANCHISE FROM LITESTREAM**

**TECHNOLOGIES, LLC, TO LITESTREAM HOLDINGS,  
LLC.**

(07/13/04 - 14 - 1:49 p.m.)

8. CONSIDER MOTION TO ADOPT A RESOLUTION EXPANDING THE CABLE TELEVISION FRANCHISE AREA OF LITESTREAM HOLDINGS, LLC

Michael Hunt, Deputy County Attorney, explained that this request was the in conjunction with Item No. 7 which the Board had approved and said that Litestream had requested expansion of their service area to include all portions of the county. He stated that if approved, it would provide competition in certain areas and would appear to serve the interest of the county to approve the request. (1:50 p.m.) Jacalone asked if there were other cable providers with countywide access and Hunt answered that there were. Jacalone confirmed that all county franchise agreements were totally non-exclusive and Hunt stated that they were non-exclusive pursuant to Federal law. Discussion ensued. (1:55 p.m.) **Motion by Bryant, seconded by Maguire, carried, 5/0, to adopt Resolution No. 2004-175 expanding the cable television franchise area of Litestream Holdings LLC.** Hunt left the meeting and Lopez entered.

**RESOLUTION NO. 2004-175**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING LITESTREAM HOLDINGS, LLC'S PETITION/REQUEST FOR AN EXPANSION IN ITS FRANCHISE AREA, SO THAT ITS FRANCHISE AREA WILL COVER/INCLUDE ALL OF THE UNINCORPORATED AREA OF ST. JOHNS COUNTY, FLORIDA**

(07/13/04 - 14 - 1:55 p.m.)

10. PUBLIC HEARING - PNZVAR 2004-007 PALMO BOAT RAMP - THIS REQUEST SEEKS A NON-ZONING VARIANCE TO THE UPLAND BUFFER AS REQUIRED IN ARTICLE IV, SECTION 4.01.06 OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS THE COUNTY OWNED PALMO BOAT RAMP LOCATED AT 8200 RIVER ROAD. SPECIFICALLY, THE REQUEST IS TO REDUCE THE TOTAL SQUARE FOOTAGE OF UPLAND BUFFER, TO ALLOW A REDUCTION IN THE MINIMUM 25 FOOT REQUIRED UPLAND BUFFER TO 10 FEET AND TO PROVIDE A VARYING WIDTH UPLAND BUFFER ON THE REMAINDER OF THE PROPERTY

Proof of publication of the Notice of Public Hearing on PNZ 04-07 Palmo Boat Ramp was received, having been published in *The St. Augustine Record* on June 24, 2004.

Jan Brewer, Environmental Manager, reviewed the request for a non-zoning variance, which would reduce the total square footage of the upland buffer to allow a reduction in the minimum twenty-five foot required upland buffer to ten feet and to provide a varying width of upland buffer on the remainder of the property. She gave a PowerPoint presentation of photographs from the Palmo Boat Ramp area (Exhibit A). (2:01 p.m.) Jacalone asked for clarification of the campfire area depicted on the site plan. (2:02 p.m.) Shorty Robbins, Recreation Department, explained the campfire area was outside of the project area and that it had been something that the community had built several years ago and that the property was privately owned. (2:02 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to approve Non-zoning variance 2004-007 adopting Findings 1-6 to support the motion.**

(07/13/04 - 15 - 2:03 p.m.)

11. PUBLIC HEARING - ADOPTION HEARING FOR FILE #CPA(SS)2004-02, TARANTIN TANK & EQUIPMENT COMPANY, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM AGRICULTURAL-INTENSIVE (A-I) TO INDUSTRIAL (I) FOR PROPERTY LOCATED AT 5050 SR 206 WEST - FILE #CPA(SS)2004-02, KNOWN AS TARANTIN TANK & EQUIPMENT COMPANY, IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM AGRICULTURAL-INTENSIVE (A-I) TO INDUSTRIAL (I). ACCORDING TO FLORIDA STATUTES, SMALL SCALE AMENDMENTS DO NOT REQUIRE REVIEW BY THE STATE UNLESS THE LOCAL ENTITY ELECTS TO HAVE A REVIEW. THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 7.024 ACRES AND IS LOCATED WITHIN THE SOUTHWEST PLANNING DISTRICT, ADJACENT TO THE HASTINGS DEVELOPMENT AREA, ON THE NORTH SIDE OF STATE ROAD 206 WEST, ONE-HALF MILE EAST OF STATE ROAD 207, ACROSS FROM BARNES FARM ROAD. THE APPLICANT PROPOSES THE REDEVELOPMENT OF THIS SITE FOR THE PURPOSE OF WHOLESALE DISTRIBUTION OF NEW EMPTY NATURAL GAS AND PROPANE EQUIPMENT. AS STATED IN THE APPLICATION, THE COMPANY PLANS TO RENOVATE THE MAIN WAREHOUSE STRUCTURE, REPLACE THE EXISTING MODULAR OFFICE WITH A NEW MODULAR OFFICE BUILDING, ADD A LOADING DOCK TO THE MAIN STRUCTURE, AND UTILIZE SOME OUTSIDE STORAGE. AT ITS MEETING ON JULY 1ST, THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REQUEST

Proof of publication of the Notice of Public Hearing on amending the 2015 Comprehensive Plan was received, having been published in *The St. Augustine Record* on June 15, 2004.

Janis Fleet, 4041 Sunbeam Road, explained that Tarantin Tank & Equipment Company explained the company's request for approval of renovations. (2:05 p.m.) Jacalone asked the location of the new school site in relation to this property. Fleet answered that she was unsure. (2:05 p.m.) Stern answered that the property was located at the corner of Cowpen Branch Road and State Road 206 and Godfrey concurred. (2:06 p.m.) Jacalone asked Godfrey what constituted a small-scale amendment over a regular amendment and Godfrey answered that a small-scale amendment was a parcel under ten acres in size. Stern asked if there had been an environmental impact of the property and Fleet answered that a study was in progress. (2:07 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0, to enact Ordinance 2004-52 adopting File #CPA(SS)2004-02, Tarantin Tank & Equipment Company, located at 5050 State Road 206 West, amending the Future Land Use Map from Agricultural-Intensive (A-1) to Industrial (I).**

#### ORDINANCE NO. 2004-52

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM AGRICULTURAL-INTENSIVE (A-I) TO INDUSTRIAL (I) FOR PROPERTY LOCATED AT 5050 STATE ROAD 206 WEST, ACROSS FROM BARNES FARM ROAD; PROVIDING FOR

**FINDINGS OF FACT; FINDINGS OF CONSISTENCY;  
SEVERABILITY; AND AN EFFECTIVE DATE**

(07/13/04 - 16 - 2:08 p.m.)

12. PUBLIC HEARING - PNZVAR 2004-02 OCEAN FRONT PLAZA - THIS REQUEST SEEKS A NON-ZONING VARIANCE TO SECTION 3.07.04.A.8 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT) TO EXCEED THE MAXIMUM LENGTH OF BUILDING FROM ONE HUNDRED TWENTY (120) FEET TO THREE HUNDRED FIFTY (350) FEET. SECTION 3.07.04.A.8 PROVIDES FOR A MAXIMUM LENGTH OF ONE HUNDRED TWENTY (120) FEET FOR BUILDINGS PARALLEL, OR WITHIN 45 DEGREES PARALLEL TO SR A1A SOUTH. THE PROPOSED VARIANCE IS LOCATED AT 5575 A1A SOUTH IN THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT. THIS ITEM APPEARED BEFORE THE SOUTH ANASTASIA DESIGN REVIEW BOARD ON NOVEMBER 20, 2003, AND WAS APPROVED WITH THE FOLLOWING CONDITIONS: 1) THE ALCOVES PROVIDING SEPARATION ARE TO BE 20 FEET WIDE. 2) THE APPLICANT MUST BRING THE BUILDING DESIGN, LANDSCAPING, PARKING AND SIGNAGE BACK TO THE MADRB. 3) CONTINGENT UPON APPROVAL OF THE REQUESTED NON-ZONING VARIANCE BY THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of the Notice of Public Hearing on PNZ 04-02 Ocean FT Plaza was received, having been published in *The St. Augustine Record* on June 25, 2004.

Bob Morgan, RGM Engineering, offered to answer any questions regarding this request. Maguire asked why they needed the variance. Morgan explained that it would be used for landscaping. (2:10 p.m.) Ford stated that this request had gone to the Overlay District and was approved with the addition of the two alcoves in the front to help break up the appearance of the building. He explained that the applicant would have to go back to the Overlay District for landscape and signage approval. Morgan explained that approval of the variance would give the building the appearance of being three separate buildings. (2:11 p.m.) Meiszer questioned restrictions on building lengths and Ford explained that all of the districts had length restrictions. Jacalone concurred that all of the Overlay Districts had similar restrictions on building sizes, signage, height, and landscape requirements. (2:12 p.m.) **Motion by Jacalone, seconded by Stern, to approve PNZVAR 2004-02 Ocean Front Plaza, making the Findings contained in the packet 1-6 supporting Findings for the motion.** Discussion regarding building sizes and restrictions followed. (2:15 p.m.) **The motion carried 5/0.**

(07/13/04 - 16 - 2:15 p.m.)

13. PUBLIC HEARING - PUD 2003-28 TERRA PINES RESERVE I - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 324 ACRES LOCATED IN CENTRAL ST. JOHNS COUNTY JUST SOUTH OF C.R. 208 AND WEST OF I-95 FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) FOR THE DEVELOPMENT OF 68 RESIDENTIAL UNITS. THE PROJECT WILL PRESERVE 251 ACRES OF WETLANDS AND LOTS WILL BE DEVELOPED ON THE REMAINING 72 ACRES OF UPLANDS. LOTS WILL BE A MINIMUM OF ½ ACRE IN SIZE. AN ACTIVE RECREATION AREA OVER ONE ACRE IN SIZE WILL BE PROVIDED WITHIN THE COMMON AREA LOCATED IN THE CENTER OF THE PROJECT WHICH WILL CONTAIN A MULTI-PURPOSE FIELD, A PLAY AREA, BENCHES, AND PICNIC TABLES. THE PROJECT WILL PROVIDE ACCESS TO TERRA PINES RESERVE II PRD ADJACENT TO THE SOUTH. THE PLANNING AND ZONING COMMISSION

RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR  
MAY 20, 2004 HEARING BY A VOTE OF 5/2

Proof of publication of the Notice of Public Hearing on PUD 03-28 Terra Pines was received, having been published in *The St. Augustine Record* on June 23, 2004.

Bruce Ford, Chief Planner mentioned that the Staff report referenced that sidewalks would be provided where lots fronted the entryway road.

(2:17 p.m.) Karen Taylor, 3070 Harbor Drive stated that Items 13 and 14 were interrelated and mentioned that Bruce Vaughn, applicant would be available to answer questions. She reviewed Item 13. She stated that open space accounted for approximately 80% of the site and included common areas and a children's play area. She explained that there would be central sewer and water and that the County would provide services. She mentioned that the roads accessed CR 208 directly with no access to Monument Bay Road. She explained the waiver request regarding internal sidewalks because of the length of the roads. She stated that there would be sidewalks within all of the areas where the lots were but would provide pathways in other areas. She said that curb and gutter systems would be used within the upland areas and would provide retention ponds where the lots were located. She said that where sidewalks were not provided the pathway system would run down one side of the road and a swale system down the opposite side of the road if linear retention were approved. She explained that waiver for a right turn lane and explained that a left turn lane would be provided, but that a traffic study had been completed and indicated that a right turn lane would not be needed. She mentioned paying into the sidewalk fund in lieu of building the sidewalk on CR 208 and that there was reservation of roadway in the area so that the applicant or the county could build the sidewalk. (2:24 p.m.) Stern indicated that both turn lanes were necessary. Discussion regarding sidewalks and turn lanes ensued. Stern directed Taylor to move on to Item #14. (2:44 p.m.) **Motion by Jacalone, seconded by Stern, to enact Ordinance No. 2004-53 known as PUD 2003-28 Terra Pines Reserve I PUD adopting Findings in the packet to support the motion 1-7 and granting the requested waivers pertaining to sidewalks, roadside swales and the 1,000 foot block length, not granting the waiver request pertaining to the right turn lane requirement on CR 208 of Fact.** (2:48) Kathleen Bishop, 2620 Pellicer Road, questioned the affect the project would have on the wetlands. Vaughn explained that there would be no impact to Pellicer Road or the wetlands in that area. Bishop requested a copy of the Department Environmental Protection study. Taylor explained that the upland sections would have no affect on conservation issues. (2:52 p.m.) **The motion carried 5/0.**

**ORDINANCE NO. 2004-53**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, REZONING LANDS AS  
DESCRIBED HEREINAFTER FROM PRESENT ZONING  
CLASSIFICATION OF OPEN RURAL (OR) TO  
PLANNED UNIT DEVELOPMENT (PUD); PROVIDING  
FOR SPECIAL CONDITIONS; PROVIDING FINDINGS  
OF FACT; PROVIDING A SAVINGS CLAUSE;  
REQUIRING RECORDATION; AND PROVIDING AN  
EFFECTIVE DATE**

(07/13/04 - 17 - 2:26 p.m.)

14. PUBLIC HEARING - PRD 2003-05 TERRA PINES RESERVE II - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 230 ACRES LOCATED IN CENTRAL ST. JOHNS COUNTY JUST SOUTH OF C.R. 208 AND WEST OF I-95 FROM

OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) FOR THE DEVELOPMENT OF THIRTY FOUR RESIDENTIAL UNITS. THE PROJECT WILL RESERVE 85% OF THE PROPERTY COVERING 195 ACRES. LOTS WILL RANGE IN SIZE FROM 3 TO 10 ACRES AND DEVELOPMENT AREAS WITHIN THE LOTS WILL RANGE IN SIZE FROM ¼ ACRE TO ½ ACRE. ACCESS TO THE DEVELOPMENT WILL BE VIA A SINGLE ENTRANCE ROAD THROUGH TERRA PINES RESERVE I PUD TO THE NORTH FROM C.R. 208. ALL ELECTRICAL, TELEPHONE, AND OTHER UTILITY LINES WILL BE INSTALLED UNDERGROUND. ELECTRICAL POWER WILL BE PROVIDED BY FPL. ST. JOHNS COUNTY UTILITIES WILL PROVIDE POTABLE WATER AND SANITARY SEWER. THE SITE CONTAINS 140.34 ACRES OF JURISDICTIONAL WETLANDS, WHICH WILL BE BUFFERED IN ACCORDANCE WITH THE LDC. THE PLANNING AND ZONING COMMISSION RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR MAY 20, 2004 HEARING BY A VOTE OF 6/1

Proof of publication of the Notice of Public Hearing on PRD 03-05 Terra Pines was received, having been published in *The St. Augustine Record* on June 23, 2004.

Karen Taylor, 3070 Harbor Drive reviewed the item and stated that it was interrelated with Item #13. She explained that Items #13 and #14 were one project with different development guidelines. She reviewed the waiver requests. (2:30 p.m.) Jacalone stated that the turn lanes needed to be installed on the PUD request and then clarified that the PRD request was to eliminate sidewalks. (2:31 p.m.) Stern asked for clarification of the mulch paths along the roadway in the PUD and asked if the PRD would be the same and Taylor answered yes. Discussion regarding sidewalks for both items ensued. (2:53 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance 2004-54, known as PRD 2003-05 Terra Pines PRD adopting findings contained in the package to support the motion 1-5 and approving the requested waivers listed pertaining to sidewalks and the thousand foot walk length.**

#### ORDINANCE NO. 2004-54

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(07/13/04 - 18 - 2:54 p.m.)

15. PUBLIC HEARING - MAJMOD 2004-07 CUMBERLAND INDUSTRIAL PARK PUD - CUMBERLAND INDUSTRIAL PARK IS COMPRISED OF THREE (3) PHASES AND PER ORDINANCE 94-32 WAS ORIGINALLY ALLOWED UP TO 400,000 SQUARE FEET OF INDUSTRIAL/WAREHOUSING PLUS OFFICE SUPPORT THROUGH THE YEAR 2019 BUT WAS SUBSEQUENTLY DECREASED TO 250,000 SQUARE FEET BY RESOLUTION 97-45. THE SUBJECT PROPERTY IS LOCATED AT 1355 C.R. 210 WEST APPROXIMATELY 1 MILE EAST OF I-95 AND IS COMPRISED OF 89 ACRES. THIS REQUEST IS TO MODIFY THE APPROVED PUD TO ALLOW AN INCREASE IN THE MAXIMUM SQUARE FOOTAGE FROM 250,000 TO THE ORIGINALLY APPROVED 400,000 SQUARE FEET IN ORDER TO BUILD OUT THE



REMAINING UNDEVELOPED PARCELS. THE PROJECT CURRENTLY HAS 249,588 SQUARE FEET ALREADY APPROVED FOR CONSTRUCTION AND NO FURTHER DEVELOPMENT CAN OCCUR UNTIL THE PUD IS MODIFIED AND CONCURRENCY CAN BE OBTAINED FOR THE ADDITIONAL SQUARE FOOTAGE. NO OTHER CHANGES ARE REQUESTED IN THIS MODIFICATION. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR MAY 20, 2004 MEETING

Proof of publication of the Notice of Public Hearing on MAJMOD 2004-07 Cumberland Ind. was received, having been published in *The St. Augustine Record* on June 23, 2004.

George McClure, 170 Malaga Street, introduced Bill Rose, President of the Cumberland Property Owners Association. He gave a brief history of the Cumberland Industrial Park property and reviewed the request. (2:59 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0 to enact Ordinance No. 2004-55, known as MAJMOD 2004-07 Cumberland Industrial Park PUD adopting findings of fact to support the motion.**

#### ORDINANCE NO. 2004-55

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE CUMBERLAND INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 94-32, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE**

(07/13/04 - 19 - 2:59 p.m.)

16. PUBLIC HEARING - MAJMOD 2004-08 ST. JOHNS FOREST PUD - THIS IS A REQUEST TO MODIFY THE PUD TEXT AND TO REVISE THE MASTER DEVELOPMENT PLAN MAP TO REFLECT THE REDUCTION OF THE BUILDING SETBACK ON TEN (10) LOTS: LOTS 116 THROUGH 118, 129 THROUGH 132, AND 135 THROUGH 137. THE WETLAND BUFFER WILL BE AVERAGED TO MEET THE 30-FOOT WETLAND BUFFER AS REQUIRED IN THE ORIGINAL PUD, AND NO LOT SHALL HAVE A WETLAND BUFFER LESS THAN 10-FEET, IN COMPLIANCE WITH THE COMP PLAN. FINAL CERTIFICATE OF CONCURRENCY 99-CD-29 AND THE ST. JOHNS FOREST DEVELOPMENT AGREEMENT REMAIN VALID FOR THIS PROJECT. MODIFICATION DOES NOT AFFECT THE CONCURRENCY CERTIFICATE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 2 AT THEIR MAY 20, 2004 MEETING

Proof of publication of the Notice of Public Hearing on MAJMOD 2004-08 St. Johns Forest was received, having been published in *The St. Augustine Record* on June 23, 2004.

George McClure, 170 Malaga Street gave a brief history of the project and reviewed the request to modify the PUD. (3:02 p.m.) Jacalone asked what Staff's position was on the request. Ford answered that Staff supported the request because it would be consistent with the Comprehensive plan by maintaining the minimum ten foot buffer. (3:03 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2004-56, known as MAJMOD 2004-08 St. Johns Forest PUD adopting Findings of Fact to support the motion 1-6.**

**ORDINANCE NO. 2004-56**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,  
STATE OF FLORIDA, APPROVING A MAJOR  
MODIFICATION TO THE ST. JOHNS FOREST  
PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE  
NUMBER 2002-41, MAKING FINDINGS OF FACT;  
REQUIRING RECORDATION; AND PROVIDING FOR  
AN EFFECTIVE DATE**

(3:03 p.m.) Lopez left the meeting and Bosanko entered the meeting.

(07/13/04 - 20 - 3:03 p.m.)

17. PUBLIC HEARING - APPEAL OF VESTING DENIAL FOR ST. JOHNS DRI PARCELS 1-6 NORTHWEST QUADRANT INTERCHANGE PARCELS - ON JUNE 21, 2004 THE APPLICANT, IT LAND ASSOCIATES, LLC ("IT LAND") REQUESTED THAT THE DEVELOPMENT APPROVED AS A PUD BY THE BOARD OF COUNTY COMMISSIONERS ON JUNE 15, 2004 ON THE SUBJECT PROPERTY BE VESTED FROM APPLICATION OF THE 5 FOOT (MINIMUM) SIDE YARD SET BACK REQUIREMENTS ENACTED BY THE BOARD ON OCTOBER 28, 2003. COUNTY STAFF DID NOT FIND SUFFICIENT EVIDENCE TO GRANT SUCH VESTING, IN PART BECAUSE: THE COUNTY ADOPTED SECTION 5.03.03.B.1.B OF THE LAND DEVELOPMENT CODE ON OCTOBER 28, 2003. THE APPLICANT'S LETTER STATES THAT THE MDP FOR PARCELS 1-6 WAS SUBMITTED IN JANUARY 2004. THIS WAS AFTER THE DATE OF ADOPTION OF THE NEW SETBACK REQUIREMENT. IN ADDITION, YOUR LETTER PROVIDES THAT A CONTRACT FOR PURCHASE AND DEVELOPMENT OF PARCELS 1-6 WAS ENTERED INTO IN NOVEMBER 2003, AGAIN AFTER THE ADOPTION OF THE SETBACK REQUIREMENT. IN THAT THE CONTRACT AND MPD SUBMITTAL WERE MADE AFTER THE ADOPTION OF THE NEW RULE, IT THEREFORE DOES NOT APPEAR THAT THE OLD RULE WAS RELIED ON FOR THESE SPECIFIC PARCELS PRIOR TO ADOPTION OF THE NEW (5 FOOT SETBACK) RULE; AND 2. IT IS ALSO NOT APPARENT THAT THE ADOPTION AND IMPLEMENTATION OF NEW BUILDING SETBACK REQUIREMENTS HAS AN OVERALL IMPACT ON THE MASTER PLAN FOR THE SAINT JOHNS DRI. THE SAINT JOHNS DRI IS APPROVED FOR 7200 DWELLING UNITS WITH A UNIFIED OVERALL DRI PLAN OF DEVELOPMENT. DRI DEVELOPMENT IS CONCEPTUAL BY NATURE AS AN OVERALL PLAN OF DEVELOPMENT. THE ESTABLISHMENT OF BUILDING SETBACKS IN RELATION TO A SPECIFIC DEVELOPMENT PARCEL IS DETERMINED WITH SUBSEQUENT APPROVALS, SUCH AS THE PUD ZONING, MPD APPROVAL AND/OR CONSTRUCTION PLAN APPROVAL. IT IS THEREFORE STANDARD PRACTICE FOR THE DEVELOPER TO COMPLY WITH APPLICABLE CURRENT LAND DEVELOPMENT REGULATIONS AT THE TIME OF THESE SUBSEQUENT APPROVALS, WHEN SUCH CURRENT REGULATIONS DO NOT NEGATIVELY IMPACT THE OVERALL MASTER PLAN AND PERMITTING IN REGARDS TO DENSITY AND INTENSITY OF THE DEVELOPMENT. THE APPLICANT HAS NOW APPEALED THIS DENIAL TO THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE. IF THE VESTING WERE GRANTED THE PRE-OCTOBER 238, 2003 SIDE YARD SETBACK REGULATION WOULD BE APPLIED TO THIS PROJECT. IT IS THE BOARDS ROLE TO CONSIDER ALL RELEVANT AND PROPER EVIDENCE

PRESENTED ON BOTH SIDES OF THIS VESTING ISSUE AND BASED THEREON MAKE A DETERMINATION AS TO THE GRANTING. THE APPLICANT MAY RESPOND TO THE ABOVE ISSUES AND OFFER ADDITIONAL EVIDENCE TO SUPPORT ITS APPLICATION

Proof of publication of the Notice of Public Hearing on PLN 2003-02 SJ DRI was received, having been published in *The St. Augustine Record* on July 9, 2004.

Teresa Bishop, Director of Planning, explained the appeal that was based on Staff's denial to a request for waiver of the side setback requirements. She stated that on June 15, 2004 the commission had approved the major modification but had denied the request for a setback waiver. She explained that Staff had found no evidence to support the applicant's request to approve vesting. (3:06 p.m.) Dan Bosanko, County Attorney stated that a vesting was a subjective project and that the Board needed to make the determination. (3:07 p.m.) Jacalone and Stern announced ex parte communication with Metcalf regarding the side yard issue.

(3:08 p.m.) John Metcalf, 245 Riverside, reviewed the setback request. He explained that if the lot sizes needed to be increased to accommodate the buildings the applicant would lose approximately twenty-seven lots. He mentioned that this was the last residential parcel that the developer owned in the interchange tracts. (3:14 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to grant the requested vesting from the application of Section 5.03.03.B.1.b of the Land Development Land.**

(07/13/04 - 21 - 3:15 p.m.)

17A. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AND ENTER INTO CONTRACTS WITH THE FOLLOWING FIRMS: CRG ARCHITECTS FOR PROJECT #1, GROWTH MANAGEMENT SERVICE CENTER; ARCHITECTS DESIGN GROUP FOR PROJECT #2, FACILITIES MAINTENANCE DEPT. BUILDING; AND HOWARD DAVIS ASSOC., ARCHITECTS FOR PROJECT #3 UTILITY DEPT. HEADQUARTERS BUILDING. IF AGREEMENTS CANNOT BE REACHED WITH THE RECOMMENDED FIRMS, AUTHORIZATION IS REQUESTED TO TERMINATE NEGOTIATIONS AND BEGIN NEGOTIATIONS WITH THE NEXT RANKED FIRM AND CONTINUE UNTIL AGREEMENTS ARE REACHED FOR EACH PROJECT (*Formerly Consent Item #11*)

Commissioner Meiszer had pulled the item from the consent agenda because it dealt with three separate requests and that insufficient data had been included. He stated that he required more information before he would approve the hiring of architects. He had expected seeing documents that would have described the space issues. (3:17 p.m.) Hunt entered the meeting. Meiszer asked what was being built, how much square footage was needed, the cost per square foot, where the funding would be coming from and what the timetable was. He requested a factual description of the problem and a recommended solution. (3:22 p.m.) Adams announced that this information had been on the regular agenda April 20, 2004 and that it had contained the facts and figures. (3:22 p.m.) Joe Burch, County Purchasing Manager mentioned that these requests had been discussed in the budget hearings. (3:23 p.m.) Meiszer asked for the cost of each project. Adams stated that the architect would need to design the buildings before a cost could be given and Meiszer answered that the architect needed to be given a budget first. Burch reviewed the figures from the April 20, 2004 agenda. (3:24 p.m.) Meiszer asked what the space in the county administrative complex would be used for once these departments had relocated. Burch explained that space needs had been discussed for the past five years. Meiszer asked for the current figures, an explanation of why the current space was inadequate and how much space was needed and the

cost. Burch said that he needed 2,500 square feet for his department. (3:27 p.m.) Meiszer requested documentation. (3:27 p.m.) Stern stated that there had been discussions regarding space needs and asserted that additional space was needed. (3:28 p.m.) Mary Ann Blount, Real Estate Manager, offered to answer some of the questions and Meiszer asked why a report had not been provided to the Commissioners explaining the problem, needs and solutions. (3:29 p.m.) Stern mentioned that the Growth Management Complex had been discussed during the first budget workshop. Meiszer stated that there had been a problem with funding the complex. (3:29 p.m.) Adams explained that a portion of fees collected would be used to build the permitting center. Jacalone concurred with Meiszer that there had not been enough discussion or received enough details or public meetings on these three projects. He stated that the Building Services Fund would fund the Growth Management Center for the most part; a small portion would have to be funded by the bond. (3:30 p.m.) Mary Ann Blount responded that 1.5 million dollars had been earmarked in the bond funding for the project. She explained that there had been a Capital Improvement Project that had explained the project and its costs. Jacalone mentioned that there had been discussion on what would happen to the existing utilities services building when the new building is built and that the Recreation Department would be relocated there and that no plans to renovate the building to accommodate recreation had been made. Jacalone said that he had been unaware of the Purchasing Departments need for space. (3:32 p.m.) Blount explained that this RFQ would allow Staff to bring back a plan that would include the details necessary for the Board to make informed decisions and recommendations. Jacalone said that he was not satisfied with the recommended architects and requested that the respondents be reviewed and re-ranked because of the inconsistency of the scoring. Jacalone wondered if it would be possible to try new architects to see if the county received improved services. He asked if the Board of County Commissioners were obligated to start negotiations with the top ranked firms as presented to them by staff or did the Board have the latitude to recommend the second, third, or fourth ranked firm to start negotiations. (3:37 p.m.) Hunt explained that the Board would not be obligated to go with the top ranked firm but that the Board would have to provide a rationale, which is within the confines of the State Statute 287.55 that allows the Board to take into account other aspects which would be the rationale for an alternate choice. Jacalone clarified that it meant that the Board could negotiate with any of the respondents if they met the qualifications that were in the request. Hunt stated that if the top ranked firm were not picked a reason within the statutes guidelines would be necessary. (3:39 p.m.) Meiszer asserted that the decision to hire an architect belonged to the Board and stated that the Board did not have to follow the advise of Staff. Hunt responded that the board would be the only decision makers but that the decision would need to be justified and changes could be made with the process within the confines of the State Statutes. (3:42 p.m.) Bosanko concurred with Hunt. He asserted that the Board made the decisions and that a selection of Architects and Engineers is not totally at Board's discretion on how the choice is made. He explained that it was one of those areas that were regulated by state law and that it would be illegal under state law not to follow the general regulation. Bosanko stated that there must be a rational reason to change the ranking in accordance with the Board's rules. He concurred with Hunt and also suggested that the current rules could be thrown out and new rules could be established under state rules regarding this process. He explained that if there were new criteria for people to be applying or considered under they needed to be made aware so that these criteria could be placed in the application. (3:44 p.m.) Burch addressed the issue of the policy and procedure followed with regard to state law in the RFQ process. He stated that the procedure used was consistent with state law, and it is the same policy, procedure and guidelines that had been used for the past six years and that he was confident with the process and with the rankings. He mentioned that this item was a recommendation only and that the Board could accept or reject it. (3:46 p.m.) Bryant said that he did not want to start over but suggested that the Board

investigate the architects and make an informed decision. (3:48 p.m.) Maguire concurred with Bryant that further investigation would be necessary and mentioned reviewing the proposals. Burch stated that he would make all the proposals available to the Board. (3:50 p.m.) Discussion ensued. Stern directed Burch to provide the board with copies of the proposals and asked the item to be continued to next week.

The meeting recessed at 4:14 p.m. and reconvened at 4:22 p.m.

(4:22 p.m.) Richard Thomas, 4322 Palmetto Street, stated the County needed to have a plan that represented, over the next years, the total facilities needed and how the needs would be met. (4:25 p.m.) Bryant asked Adams to confirm that a needs and space analysis had been completed. Adams concurred. Bryant asked that the study be made available to the public.

(07/13/04 - 23 - 4:26 p.m.)

17B. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR BARTRAM OAKS PHASE 3 (Formerly Consent #22)

Kathy Nielsen reviewed this item and explained that it had been pulled from the Consent Agenda due to easements denoted in the title opinion that had not been shown on the plat but that these problems had been taken care of. She stated that the plat was now in compliance and was ready to be approved. (4:26 p.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to adopt Resolution 2004-176 approving the Final Plat for Bartram Oaks Phase 3.**

#### RESOLUTION NO. 2004-176

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR BATRAM OAKS PHASE 3**

(07/13/04 - 23 - 4:27 p.m.)

9A. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR ISLAND COTTAGES

Kathy Nielsen, Applications Review Coordinator explained that this item had been pulled from the Consent Agenda because it had been missing some easements but that the problem had been rectified and it was now ready for board approval. (4:27 p.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2004-177 approving a final plat for Island Cottages.**

#### RESOLUTION NO. 2004-177

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ISLAND COTTAGES.**

(07/13/04 - 23 - 4:28 p.m.)

17C. DISCUSSION OF THE SHIFT OF STATE DEPARTMENT OF JUVENILE JUSTICE OPERATION COSTS TO COUNTY GOVERNMENTS

Bosanko stated that he had sent the Commissioners a one-page memorandum that explained that a law suit that was being contemplated by the Florida Association of Counties (FACT) against the State of Florida questioning legally the right of the state to

shift to the counties the cost of the operation of the local juvenile justice facility. He mentioned that the cost for St. Johns County to operate the local facility would be an estimated 1.2 million dollars. He explained that several counties had indicated that they would join in the lawsuit, but the lawsuit had not yet been filed because the documents had not yet been completed. He said that the Board could choose to join the lawsuit as a plaintiff or just offer support for the lawsuit. He said that FACT was requesting a voluntary assessment of \$983.00 from each county to assist with the litigation and that the County Legal Department did have the funds available in their budget. He asked the Board for direction. (4:31 p.m.) Jacalone stated that the County should make no decision until the action had been reviewed. He asked Bosanko for his recommendation. Bosanko stated that he was convinced that there were some very valid arguments for the lawsuit and that he had not yet seen the lawsuit complaint yet but he would bring the complaint back to Board for review at their direction. Jacalone requested a list of counties joining the lawsuit. Bosanko stated that the indication he had thus far was that Broward, Indian River, Lake, Lee, Orange, Palm Beach and Pinellas were on board with the complaint. (4:34 p.m.) Maguire requested that Bosanko provide the board with the complaint and also indicate what negatives would be involved with joining or not joining the suit. Discussion ensued. (4:36 p.m.) Stern requested that Bosanko bring the necessary information back to the board for discussion when it became available.

(07/13/04 - 24 - 4:36 p.m.)

9. DETERMINATION OF CAPITAL IMPROVEMENT PROJECTS FOR SALES TAX REVENUE BONDS

Mary Ann Blount, Real Estate Manager, reviewed some of the changes that were reflected on the latest project list: \$50,000 was added to the NW Park to cover acquisition and closing costs; \$500,000 was added to the County Fairgrounds Upgrades (bleachers and restrooms); \$500,000 was added to the Emergency Staging Area/Park on SR 207; \$1,500,000 was added for the Permit Center (portion of the construction cost); \$7,000,000 was added for the acquisition of the Cornerstone Park or other ball field relocation parcel. Blount informed the Board that this made the total for the CIP Bond projects \$35.19 million, and when the Vilano CRA bond of \$5.5 million was added to that, the combined total issuance would be \$40.69 million. Discussion followed regarding the purchase of picnic tables, benches, and fencing with bond funding.

(4:51 p.m.) Deputy Clerk Lenora Newsome left the meeting, and Deputy Clerk Yvonne King entered the meeting.

(4:53 p.m.) Jean Mangu, Bond Counsel, explained the procedure for money to be reallocated if projects were removed from the list. (4:58 p.m.) **Motion by Maguire, seconded by Jacalone, to direct legal staff to prepare an agenda item for BCC consideration that will authorize staff to take all necessary steps to issue Sale Tax Revenue Bonds for the Capital Improvement Projects approved by the BCC in the amount of \$41 million, plus bond issuance costs.** (4:59 p.m.) Discussion followed on the operating costs for the Amphitheater project.

(5:05 p.m.) Pat Laurencelle, 23 Versaggi Drive, was not present, but had previously requested the resolution adopted by the St. Augustine Beach Commission supporting the location of a library branch in St. Augustine Beach, be submitted for the record. Stern submitted the resolution. (Exhibit A)

(5:06 p.m.) Pamela Kessler, 1136 Salt Creek Drive, Ponte Vedra Beach, was not present, but had previously requested her comments be read into the record. Stern read the

comments into the record in support of the acquisition of the Cornerstone Park. (Exhibit B)

(5:09 p.m.) Albert Holmberg, 11 Lake Shore Drive, St. Augustine Beach, commented in support of the St. Augustine Beach Library construction project.

(5:10 p.m.) Cintra McGauley, 8040 Merganser Drive, was not present, but had previously requested her comments be read into the record. Stern read the comments into the record in support of the acquisition of the Cornerstone Park. (Exhibit C)

(5:11 p.m.) Richard Thomas, 4322 Palmetto Street, requested the procedure for ranking projects for the CIP for the bond issue be explained for clarity.

(5:14 p.m.) Louise Thrower, 288 Orange Avenue, commented on the Amphitheater project, the Ponte Vedra Annex acquisition, the project ranking analysis, the bonds issuance service fees plus yearly interest, and the percentage of funds designated to the northwest area. (Exhibit D)

(5:22 p.m.) **The motion carried 5/0.**

(07/13/04 - 25 - 5:22 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report.

(5:22 p.m.)  
Commissioner Maguire:

No report.

(5:23 p.m.)  
Commissioner Stern:

Stern informed the Board of a draft letter by Mr. Hunt regarding the Matanzas Inlet beach walkover, requesting of the FDOT to be relieved from the ADA requirements for that walkover. Stern said a response had been received from the FDOT stating that they do not have the ability to grant the waiver to the rules, but suggested that relief be requested from the U.S. Department of Justice. Stern said she would put together a packet of information, to include: a copy of the original letter that was sent to the FDOT, a copy of the response, and other documents regarding this issue. This information would be brought back to the Board on July 20, 2004, for consideration. (5:25 p.m.) Maguire suggested a sentence be included in the letter that states, *ADA mitigation requirements are spelled out in the letter attached.*" (5:26 p.m.) Meiszer suggested the letter be written on behalf of the entire Board.

(5:26 p.m.) Stern announced Commissioner Jacalone's birthday and presented him with gifts.

(5:28 p.m.)  
Commissioner Jacalone:

No report.

(5:28 p.m.)

Commissioner Bryant:

Bryant announced that the County Mental Health Department had scored high standards in all areas.

(07/13/04 - 26 - 5:29 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced that the Board and some of County Staff had been invited to a luncheon in Ponte Vedra on Wednesday, July 14, 2004.

Adams informed the Board that he would update them on the new meeting schedule to begin in August.

Adams informed the Board that he received an informal request from a church that wants to put a school in the northwest area of the county, requesting the impact fees be waived.

(07/13/04 - 26 - 5:31 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(07/13/04 - 26 - 5:31 p.m.)

CLERK OF COURT'S REPORT

No report.

(5:31 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 5:31 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 353228 through 353617, totaling \$2,337,051.40 (06/22/04)
2. St. Johns County Board of County Commissioners Check Register, Check No. 353649 through 354010, totaling \$1,035,649.13 (06/29/04)
3. St. Johns County Board of County Commissioners Check Register, Check No. 354012 through 354017, totaling \$137,802.72 (07/01/04)
4. St. Johns County Board of County Commissioners Check Register, Check No. 354018 through 354274, totaling \$771,737.26 (07/06/04)

CORRESPONDENCE:

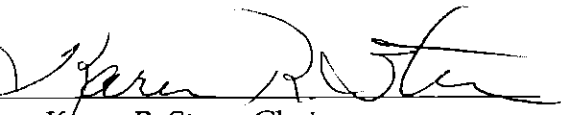
1. Amendatory Order regarding the application for transfer of Certificates 617-W and 531-S in Duval and St. Johns Counties from Nocatee Utility Corporation to JEA (06/10/04)
2. Letter to Max Royle, City Manager, regarding a filed certified copy of an Addendum to the Interlocal Agreement between the City of St. Augustine Beach and St. Johns County, Florida (06/21/04)
3. Letter to Misty Pearson, Bureau of Administrative Code, enclosing a correction to Ordinance No. 2004-37, of a missing page, Exhibit D (06/24/04)



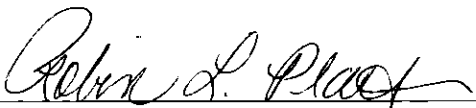
4. Letter to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinances Number 2004-46 through 2004-51 (06/24/04)
5. Letter to John Tanner, State Attorney, regarding an Interlocal Agreement between St. Johns County and the State Attorney of the Seventh Judicial Circuit (06/25/04)
6. Letter to James Gibson, Public Defender, regarding an Interlocal Agreement between St. Johns County and the Public Defender of the Seventh Judicial Circuit (06/25/04)
7. Letter to Michael Figgins, Executive Director, enclosing a certified copy of St. Johns County Resolution No. 2004-134 approving and funding a continuation of legal aid services in St. Johns County provided by Jacksonville Legal Aid (06/28/04)
8. Check from Anthony Robbins, AICP, Prosser Hallock, paying recording fees for Ordinance No. 2004-48, World Commerce Center
9. Letter from Liz Cloud, Program Administrator, acknowledging receipt of a letter regarding the correction of St. Johns County Ordinance No. 2004-37 (06/30/04)

Approved July 27, 2004

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

