

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 8, 2004
(9:00 A.M.)**

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

Present were: Karen Stern, District 2, Chair
 Bruce Maguire, District 4, Vice Chair
 Nicholas Meiszer, District 1
 James E. Bryant, District 5
 Ben W. Adams, Jr., County Administrator
 Dan Bosanko, County Attorney
 Robin Platt, Deputy Clerk

(09/08/04 - 1 - 1.0003)
CALL TO ORDER

Chair Stern called the meeting to order.

(09/08/04 - 1 - 1.0006)
ROLL CALL

Stern stated that all Commissioners were present, with the exception of Jacalone. Stern explained that the plan was to continue the items on the agenda to September 15, 2004, due to a power outage caused by hurricane Frances.

(09/08/04 - 1 - 1.0063)
PUBLIC COMMENT

Robert Beskind, 416 Ocean Drive, St. Augustine Beach, requested use of St. Johns County's pier park on Super Bowl weekend for a fundraiser.

(09/08/04 - 1 - 1.0145)
APPROVAL OF CONSENT AGENDA

Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to approve the Cash Report for this week (Consent Item No. 1).

Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to continue the rest of the Consent Items until next Wednesday, September 15, 2004.

1. Approval of the Cash Requirement Report
2. Minutes:
 08/25/04 - BCC Regular Meeting
3. Sheriff's Office Bonds:
 Cancel: Smith, Catherine H Maquire, Angela M
 Manning, Albert L Bond, Amanda K
 Hall, Mark R Williams, Gayle

4. Motion to adopt a Resolution approving the terms, conditions, provisions, and requirements of St. Johns County's State Aid to Libraries Grant Application, and Grant Agreement, and authorize the Chairperson of the Board of County Commissioners to execute the Grant Application and Grant Agreement on behalf of the County
5. Motion to adopt a Resolution accepting an Easement for Utilities for water and sewer service to Marshall Creek Unit MUB-4 Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system
6. Motion to adopt a Resolution accepting an Easement for Utilities for a water line extension to the South Tract of Six Mile Creek South Subdivision
7. Motion to adopt a Resolution accepting an Easement for Utilities for water and sewer service to Marshall Creek Village Center Unit Three Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system
8. Motion to adopt a Resolution accepting an Easement for Utilities for water and sewer service to Marshall Creek Subdivision North Loop Road for the offsite utility improvements
9. Motion to award Bid No. 04-92, Replacement of Communications Tower for the Fire Rescue Department, to the low bidder, Strategic Communications Services Inc., in the amount of \$59,236.00
10. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, GAI/Brett Goddard & Assoc., for the Vilano Town Center Streetscape Design. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until an agreement is reached
11. Motion to adopt a Resolution approving a Final Plat for Port St. John
12. Motion to adopt a Resolution approving a Final Plat for St. Johns Six Mile Creek North Unit 4, Parcels 19, 20, 24, 25 and 26
13. Motion to approve the Main Street Grant Contract No. S0550, Addendum and Request for Payment, in order to receive the grant award in the amount of \$10,000 and adopt a Resolution authorizing the County Administrator to execute the Grant Contract and related documents on behalf of the County
14. Motion to authorize the County Administrator, or his designee, to transfer \$40,000 from 1191-56330-0865-59923 and \$2,144 from 1191-56330-0865-59927 to 1191-56330-0865-56301 to facilitate Change Order #08 in the amount of \$56,564.86 and Change Order #09 in the amount of \$7,151.00 for the CR A1A Widening project closeout
15. Motion to approve the transfer of \$4,500 from Utility Reserves (4426-59920) to County Lab (4414-55200) to cover expenditures for the remainder of Fiscal Year 2004

16. Motion to terminate the wholesale purchase section of the Interlocal Agreement with the City of St. Augustine

(09/08/04 - 3 - 1.0180)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to open all public hearings scheduled for today and continue them until September 15th at 9:00 a.m. (next Wednesday) and reschedule all the non-public hearing items to that date also.

1. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE CHAIR TO EXECUTE AN AGREEMENT THAT PROVIDES FOR ADMINISTRATIVE HEARING SERVICES AT A PRE-DETERMINED RATE AND ACTUAL TRAVEL EXPENSES AS STATED FOR 2004 INTERCOASTAL UTILITIES LIMITED PROCEEDING, DOCKET NO. 04-0007-0011-0001
2. UPDATE FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE PROPOSED INTERCHANGE CONNECTION BETWEEN US 1 AND CR 210
3. CONSIDER A MOTION TO APPROVE OR DENY THE TRANSFER OF \$22,857.00 FROM GENERAL FUND RESERVES (0083-59920) TO LAW ENFORCEMENT SUBSIDY AID TO GOVERNMENT AGENCIES (0035-58100) FOR THE PURCHASE OF SIX SPEED-MEASURING DEVICES FOR THE STATE HIGHWAY PATROL
4. PUBLIC HEARING - REZ 2004-02 1855 S.R. 207- THIS REQUEST SEEKS TO REZONE .65 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI). THERE ARE NO IMMEDIATE PLANS TO DEVELOP THE SITE AT THIS TIME. THE PARCEL IS LOCATED ON THE NORTH SIDE OF S.R. 207 APPROXIMATELY 1/4 MILE WEST OF WILDWOOD DRIVE AND IS IN THE MIXED USE LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS ARE OR. THE PARCEL ADJACENT TO THE EAST AND NORTH IS OWNED BY FDOT AND IS NOT A RESIDENTIAL USE. THE PARCEL ADJACENT TO THE WEST IS A SINGLE FAMILY USE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 1 AT THEIR AUGUST 5, 2004 MEETING
5. PUBLIC HEARING - MAJMOD 2004-11 ISLAND COTTAGES PUD - THIS IS A REQUEST TO MODIFY THE PUD TO ALLOW A NINE (9) FOOT, FOUR (4) INCH HIGH PRIVACY FENCE WITHIN THE SOUTH EDGE OF A 14 FOOT BUFFER LOCATED ALONG THE SOUTH END OF THE PUD. SECTION 2.02.04.B.12 OF THE LAND DEVELOPMENT CODE LIMITS THE HEIGHT OF FENCES TO SIX (6) FEET EXCEPT FOR YARDS THAT ABUT AN ARTERIAL OR COLLECTOR WHICH THIS DOES NOT, THUS THE REQUEST FALLS UNDER THE MAJOR MODIFICATION CRITERIA OF THE LAND DEVELOPMENT CODE, PER SECTION 5.03.05. APPROXIMATELY ¾ OF THE FENCE HAS BEEN CONSTRUCTED, BUT WORK WAS STOPPED ONCE IT WAS REALIZED THAT IT EXCEEDED THE MAXIMUM HEIGHT OF SIX FEET. DUE TO CHANGES IN TOPOGRAPHY, THE BOTTOM OF THE EXISTING EIGHT (8) FOOT HIGH FENCE IS HIGHER THAN THE ADJACENT GRADE RANGING BETWEEN SIX (6) INCHES TO ONE (1) FOOT FOUR (4) INCHES.

FENCE HEIGHT IS MEASURED FROM THE LOWEST ADJACENT GRADE, THUS THE FENCE IS CONSIDERED TO BE UP TO NINE FEET FOUR INCHES HIGH IN SOME AREAS. THE BUFFER IS LOCATED BETWEEN A 16-FOOT ALLEY PROVIDING ACCESS TO GARAGES WITHIN THE PUD AND AN ADJACENT RESIDENTIAL SUBDIVISION LOCATED TO THE SOUTH. THE FINISHED ELEVATION OF THE PUD IS APPROXIMATELY TWO (2) FEET HIGHER THAN THE ADJACENT BUFFER AND FENCE TO THE SOUTH. THE PUD REQUIRES THE BUFFER TO MEET AN 80% OPACITY STANDARD AND TO REMAIN NATURALLY VEGETATED. NO OTHER CHANGES ARE PROPOSED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 1 AT THEIR AUGUST 5, 2004 MEETING, WITH THE CONDITION THAT THE FENCE BE NO HIGHER THAN SIX (6) FEET ADJACENT TO LOTS 1 THROUGH 6 AND NO HIGHER THAN NINE (9) FEET ADJACENT TO LOTS 7 THROUGH 10 OF TRADEWINDS SUBDIVISION LOCATED ADJACENT TO THE SOUTH OF ISLAND COTTAGES

6. PUBLIC HEARING - PUD 2004-15 ABSOLUTE DEVELOPMENT PUD - THIS REQUEST SEEKS TO REZONE 4.06 ACRES OF LAND FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF UP TO 15,000 SQUARE FEET OF RETAIL USES ON PARCEL III. PARCEL I HAS BEEN DEVELOPED WITH A FAST FOOD RESTAURANT (KRYSTAL) AND PARCEL II HAS BEEN DEVELOPED WITH A TIRE KINGDOM. THE REMAINING PARCEL, PARCEL III, IS LOCATED AT THE SOUTH END OF THE PROJECT ADJACENT TO ST. AUGUSTINE SOUTH DRIVE ON US 1 SOUTH. ST. JOHNS COUNTY UTILITIES WILL PROVIDE WATER AND SANITARY SEWER. THE SUBJECT PROPERTY IS DESIGNATED AS MIXED USE ON THE FUTURE LAND USE MAP. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR AUGUST 5, 2004 HEARING
7. PUBLIC HEARING - PUD 2004-07 SPANISH CAY PUD - THIS REQUEST SEEKS TO REZONE 39.99 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF 116 SINGLE FAMILY UNITS, WITH ASSOCIATED RECREATIONAL AMENITIES. THE SUBJECT PROPERTY IS SITUATED ON THE WEST SIDE OF U.S. 1 ACROSS FROM THE SOUTH ENTRANCE TO ST. AUGUSTINE SHORES. ST. JOHNS COUNTY UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER SERVICE. SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF ALL INTERNAL ROADS WITH THE EXCEPTION OF TALBOT BAY DRIVE. THE PUD PROVIDES FOR 1.42 ACRES OF ACTIVE RECREATION, WHICH WILL INCLUDE A POOL, A MULTI-PURPOSE FIELD AND A PLAY AREA AND A PICNIC AREA. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR JULY 15, 2004 HEARING BY A VOTE OF 4/3, WITH THE ONE ADDED PROVISION FOR AN INCREASE FROM A 10 TO A 20 FOOT BUFFER ON THE WEST SIDE OF THE PUD, AS OFFERED BY THE APPLICANT
8. PUBLIC HEARING - PLNADMAPL 2004-02, STONEGATE ACRES PUD/RANCHO DEL MAR (ADMINISTRATIVE DECISION APPEAL) - ON JULY 11, 2001 THE APPLICANTS REQUESTED A VESTING DETERMINATION FROM THE DENSITY REQUIREMENTS ESTABLISHED IN THE 2015 ST. JOHNS COUNTY COMPREHENSIVE PLAN FOR THE PROPERTY PROPOSED AS THE STONEGATE ACRES PUD. THE SUBJECT PROPERTY CONSISTS OF

547 ACRES AND IS CURRENTLY ZONED OPEN RURAL (OR). FORTY ACRES ARE DESIGNATED RESIDENTIAL B AND THE REMAINING 507 ACRES ARE DESIGNATED RURAL/SILVICULTURE (R/S) ON THE 2015 FUTURE LAND USE MAP. STONEGATE PUD WAS ORIGINALLY SUBMITTED ON AUGUST 6, 1998 AS A PUD PRE-APPLICATION (PUD FILE NO. PA00-044) AND HAS BEEN IN SEVERAL STAGES OF REVIEW SINCE ITS SUBMITTAL. ST. JOHNS COUNTY HAS NOT YET APPROVED THE PUD. WHEN THE PROPOSED PUD WAS SUBMITTED, THE SUBJECT PROPERTY WAS DESIGNATED AS B-RESIDENTIAL ON THE 1990-2005 FUTURE LAND USE MAP THAT WAS IN EFFECT IN 1998 AND THE PROJECT PROPOSED UP TO 443 UNITS, OF WHICH UP TO 128 COULD BE MULTI-FAMILY, UP TO 272 COULD BE SINGLE FAMILY AND UP TO 43 COULD BE FARM TRACTS (ESTATE LOTS). THE APPLICANTS STATED THAT THE PROPOSED PROJECT WAS DELAYED DUE TO THE LOCATION OF CHIEF OSCEOLA'S CAPTURE SITE BEING LOCATED ON OR IN CLOSE PROXIMITY OF THE SUBJECT PROPERTY, AND AS THIS HISTORIC SITE WAS BEING RESEARCHED, THE COUNTY ADOPTED ITS CURRENT 2015 FUTURE LAND USE MAP WHICH CHANGED THE DESIGNATION OF THE PROPERTY FROM B-RESIDENTIAL TO R/S. ON AUGUST 28, 2001, THE COUNTY ISSUED A LETTER APPROVING THE VESTING REQUEST AND STATED THAT THE PROJECT COULD CONTINUE UNDER THE B-RESIDENTIAL DENSITIES BASED UPON COMMON LAW VESTED RIGHTS WHICH INCLUDED AN ACT OR OMISSION OF GOVERNMENT, WHICH THE APPLICANT RELIED UPON IN GOOD FAITH AND SUBSTANTIALLY CHANGED HIS/HER POSITION OR HAS INCURRED SIGNIFICANT EXPENSES IN COMPLIANCE WITH THE ACT OR OMISSION OF GOVERNMENT (SEE ATTACHED LETTER). HOWEVER, THE AUGUST 28, 2001, VESTING LETTER ALSO STATED THAT, "THE STONEGATE ACRES PUD, AS PROVIDED IN PUD FILE NO. PA00-044, ENTITLED STONEGATE ACRES PUD, IS VESTED FROM THE REQUIREMENTS OF THE COMPREHENSIVE PLAN FOR THE R/S DESIGNATION. IN THE EVENT THE PROPOSED PUD IS DENIED BY THE BOARD OF COUNTY COMMISSIONERS, THIS VESTING DETERMINATION SHALL NOT APPLY TO OTHER PROJECTS THAT MAY BE PROPOSED ON THE SUBJECT PROPERTY." THE VESTING DETERMINATION WAS VALID FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE AUGUST 28, 2001 (AUGUST 28, 2006). AS MENTIONED, PUD FILE NO. PA00-044 DEPICTED 443 UNITS OF WHICH UP TO 128 COULD BE MULTI-FAMILY, UP TO 272 COULD BE SINGLE FAMILY AND UP TO 43 COULD BE FARM TRACTS (ESTATE LOTS). SUBSEQUENT TO SUBMITTAL OF THE STONEGATE ACRES PUD, THE APPLICANTS REVISED THE SITE PLAN FOR THE PROJECT (SEE ATTACHED) AND IN MAY OF 2004 SUBMITTED A PUD PRE-APPLICATION (PUD/PRD PA 2003-21) FOR THE PROJECT, WHICH WAS RENAMED RANCHO DEL MAR. RANCHO DEL MAR PROPOSES 778 UNITS, AN INCREASE OF 335 UNITS (75%) OVER THE ORIGINAL STONEGATE ACRES PUD. COMMENTS WERE PROVIDED BY COUNTY STAFF TO THE APPLICANTS IN JUNE OF 2004. AS OF AUGUST 5, 2004 THE APPLICANTS HAD NOT SUBMITTED A FORMAL RANCHO DEL MAR PUD FOR REVIEW. ON OR ABOUT APRIL 18, 2004, THE APPLICANTS VERBALLY AND THROUGH EMAIL ASKED THE PLANNING DIVISION TO RECONFIRM THAT THE VESTING AS APPROVED IN THE AUGUST 28, 2001 LETTER, WAS STILL VALID AND THAT THE PARCEL WAS VESTED FOR RESIDENTIAL B LAND USE DENSITIES (SEE ATTACHED EMAIL). ON MAY 19, 2004, THE PLANNING DIVISION ISSUED A LETTER TO THE APPLICANTS STATING THAT THE VESTING LETTER WAS STILL VALID AND THAT THE SITE WAS APPROVED FOR THE 443 UNITS DEPICTED ON THE DRAFT MASTER

DEVELOPMENT PLAN SUBMITTED WITH THE STONEGATE ACRES PUD PRE-APPLICATION (PA00-044). THE MAY 19, 2004, LETTER ALSO STATED THAT THE SUBSEQUENT RANCHO DEL MAR PUD DEPICTING 778 UNITS WAS NOT VESTED AND WAS NOT CONSISTENT WITH THE DENSITIES ALLOWED IN RURAL/SILVICULTURE LAND USE AS DEPICTED ON THE CURRENT FUTURE LAND USE MAP. THE APPLICANTS SUBSEQUENTLY SUBMITTED AN APPLICATION FOR AN APPEAL ON JUNE 18, 2004, WHICH IS THE SUBJECT OF THIS AGENDA ITEM

9. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE NON-AD VALOREM ASSESSMENT ROLL FOR THE PONTE VEDRA WASTEWATER VACUUM SEWER PROJECT PURSUANT TO RESOLUTION 2002-245, AUTHORIZING THE CHAIRPERSON TO CERTIFY AND DELIVER THE 2004/2005 ASSESSMENT ROLL TO THE ST. JOHNS COUNTY TAX COLLECTOR
10. CONSIDER A MOTION TO APPROVE OR DENY THE TRANSFER OF \$519,593.00 FROM THE GENERAL FUND RESERVE TO THE MENTAL HEALTH FUND
11. UPDATE AND BRIEFING OF BEACH USAGE WITH EMPHASIS ON BEACH PARKING, OFF BEACH PARKING, AND BEACH TOLLS
12. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH ARCHITECTS DESIGN GROUP, INC., FOR A TOTAL FEE NOT TO EXCEED \$114,900.00 FOR RFQ 04-84, DESIGN SERVICES FOR ST JOHNS COUNTY FACILITIES MAINTENANCE HEADQUARTERS AND SHOP
13. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH CRG ARCHITECTS PLANNERS, INC., FOR A TOTAL FEE NOT TO EXCEED \$380,000.00 FOR RFQ 04-84, DESIGN SERVICES FOR NEW GROWTH MANAGEMENT PERMIT CENTER
14. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR PROPERTY KNOWN AS CORNERSTONE PARK
15. REPORT ON CURRENT FIREWORKS REGULATIONS
16. CONSIDER AN APPOINTMENT TO THE CODE ENFORCEMENT BOARD
17. CONSIDER APPOINTMENTS TO THE HOUSING FINANCE AUTHORITY
18. CONSIDER A MOTION TO APPROVE THE FT. MOSE MANAGEMENT PLAN, AS SUBMITTED TO THE FLORIDA COMMUNITIES TRUST
19. STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) ANNUAL REPORT
20. CONSIDER A MOTION TO APPROVE OR DENY THE TRANSFER OF \$300,000 FROM THE GENERAL FUND RESERVE (0001-0083-59920) TO THE LIBRARY EXPANSION FUND (3333-38101)

(09/08/04 - 7 - 1.0218)


Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to adjourn.

REPORTS:

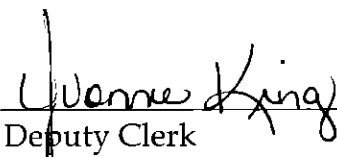
1. St. Johns Board of County Commissioners Check Register, Check Number 356587 through 356610, totaling \$29,698.73 (09/01/04)
2. St. Johns Board of County Commissioners Check Register, Check Number 356612 through 356616, totaling \$133,588.43 (09/02/04)
3. St. Johns Board of County Commissioners Check Register, Check Number 356617 through 356633, totaling \$2,801.53 (09/02/04)

Approved September 22, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

