

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 22, 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
 Lenora Newsome, Deputy Clerk

Also present: Michael Hunt, Deputy County Attorney
 Jolie Tillis, Assistant Finance Director

(09/22/04 - 1 - 9:01 a.m.)
Stern called the regular meeting to order.

(09/22/04 - 1 - 9:02 a.m.)
Jacalone gave the Invocation and Stern led the Pledge of Allegiance.

(09/22/04 - 1 - 9:03 a.m.)
ROLL CALL

Stern announced that all Commissioners were present except Bryant.

(9:03 a.m.) Joe Stephenson, Director of Public Works, gave an update on the cleanup process after the storms. Jacalone asked about cleanup activity in Marsh Creek and about trees down in County rights-of-way. Stephenson responded. Jacalone asked if the Board could enforce the Ordinance to make property owners clear out leaning trees on their property. Bosanko replied that the Dead Tree Removal Ordinance that the Board approved about three weeks ago, was a workshop and had not been adopted yet. Jacalone mentioned that it was up to the individual property owners to take care of their own property and the Board could not enforce it. Bosanko replied, not at this time. Stern asked if there was anything they could do to encourage the property owners to address the problem of falling trees on their property. Bosanko stated that he would check into it. Stephenson mentioned that this event greatly exceeded what they experienced during Hurricane Floyd and explained. Jacalone recommended letting FPL know when there was danger of a tree on, or about to fall on power lines. Stephenson stated that he believed that FPL should be the first responder on this kind of incident. He stated that the calls could be referred to the Road and Bridge Department at 823-2660. Meiszer mentioned that part of the problem had to do with communications. Stephenson stated that they were not yet at the point where they could tell somebody what day the debris on their street would be picked up. (9:21 a.m.) Bryant entered the meeting. Adams spoke on the delays and reiterated the phone number that Stephenson gave for debris cleanup as 823-2660.

(09/22/04 - 2 - 9:23 a.m.)

PUBLIC COMMENT

George McClure, 170 Malaga Street, asked the Board to consider authorizing the Planning and Zoning Staff and the County Attorney to evaluate a proposal for an amendment to the Land Development Code. He stated that the problem they had, was the question of grandfathering. He spoke on an amendment that would allow reconstruction of residential uses if destroyed because of an act beyond their control. Jacalone requested to have a workshop on it.

(09/22/04 - 2 - 9:30 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested to pull Item 15, and stated that no further action was required. Bosanko requested to pull Item 1, the Cash Requirement Report, and placed it on the Regular Agenda as Item 11A.

(09/22/04 - 2 - 9:31 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

This item was removed from the Consent Agenda and added to the Regular Agenda as Item 11A.

2. Minutes:
09/08/04 - BCC Regular Meeting

3. Sheriff's Office Bonds:
Approve: Smith, Catherine H.
Cancel: Murray, Chad W.

4. Motion to adopt **Resolution No. 2004-241**, approving the terms, provisions, conditions, and requirements of an agreement between the Board of County Commissioners of St. Johns County, Florida, and State of Florida Department of Health for operation of the St. Johns County Health Department, for contract year 2004-2005, and authorizing the chairperson of the Board of County Commissioners of St. Johns County, Florida, to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2004-241

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AND STATE OF FLORIDA, DEPARTMENT OF HEALTH, FOR OPERATION OF THE ST. JOHNS COUNTY HEALTH DEPARTMENT, FOR CONTRACT YEAR 2004-2005, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF ST.

JOHNS COUNTY, FLORIDA, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

5. Motion to adopt **Resolution No. 2004-242**, approving the terms, provisions, conditions, and requirements of a contract renewal for the provision of financial assistance to the St. Johns County Council on Aging, Inc. at the Trout Creek Pavilion and Community Center; and authorizing the County Administrator to execute the contract renewal on behalf of the County and motion to adopt **Resolution No. 2004-258**, approving the terms, provisions, conditions, and requirements of a contract renewal for the provision of financial assistance to the St. Johns County Council on Aging, Inc., for the Palm Valley Seniors Program; and authorizing the County Administrator to execute the contract renewal on behalf of the County

RESOLUTION NO. 2004-242

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT RENEWAL FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. JOHNS COUNTY COUNCIL ON AGING, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

RESOLUTION NO. 2004-258

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A CONTRACT RENEWAL FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE ST. JOHNS COUNTY COUNCIL ON AGING, INC., AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT RENEWAL ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2004-243**, approving a Final Plat for St. Johns Six Mile Creek Unit 5, Parcels 22 & 23

RESOLUTION NO. 2004-243

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK NORTH PARCELS 22 & 23

7. Motion to adopt **Resolution No. 2004-244**, implementing new and/or revised fees for services provided by St. Johns County Departments

RESOLUTION NO. 2004-244

A RESOLUTION BY THE BOARD OF COUNTY

COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE SCHEDULE OF FEES FOR CERTAIN
COUNTY DEPARTMENTS

8. Motion to adopt **Resolution No. 2004-245**, which rescinds County Resolution No. 2004-109, and in its place accepts a substantially similar Easement for Utilities for water to Belles Chase Subdivision

RESOLUTION NO. 2004-245

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RESCINDING COUNTY RESOLUTION 2004-109, AND IN ITS PLACE ACCEPTING A SUBSTANTIALLY SIMILAR EASEMENT FOR UTILITIES FOR WATER SERVICE TO BELLES CHASE SUBDIVISION

9. Motion to adopt **Resolution No. 2004-246**, accepting an Easement for Utilities for water and sewer service to Promenade Pointe Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2004-246

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO PROMENADE POINTE SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

10. Motion to adopt **Resolution No. 2004-247**, accepting an Easement for Utilities for water and sewer service to Vista Norte Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2004-247

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO VISTA NORTE SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

11. Motion to adopt **Resolution No. 2004-248**, accepting an Easement for Utilities for water and sewer service to Canterra Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2004-248

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR

**WATER AND SEWER SERVICE TO CANTERRA
SUBDIVISION AND ACCEPTING A BILL OF SALE
CONVEYING ALL PERSONAL PROPERTY
ASSOCIATED WITH THE WATER AND SEWER
SYSTEM**

12. Motion to adopt **Resolution No. 2004-249**, accepting an Easement for Utilities for water and sewer service to Anastasia Dunes Unit Two and Unit Three Subdivision and a Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2004-249

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING TWO EASEMENTS FOR UTILITIES FOR
WATER AND SEWER SERVICE TO ANASTASIA
DUNES UNIT TWO AND UNIT THREE SUBDIVISION**

13. Motion to adopt **Resolution No. 2004-250**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for property needed for an emergency staging area located adjacent to St. Johns County Fairgrounds

RESOLUTION NO. 2004-250

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN
PURCHASE AND SALE AGREEMENT FOR PROPERTY
NEEDED FOR AN EMERGENCY STAGING AREA
ADJACENT TO ST. JOHNS COUNTY FAIRGROUNDS**

14. Motion to adopt **Resolution No. 2004-251**, authorizing the Clerk of the Courts under Section 95.361 Florida Statutes to file the survey map for Watson Road, claiming a vested interest in the road described in the survey map, and/or establishing a prescriptive easement in the same right-of-way in accordance with the principle set forth in *Downing v. Bird*, 100 so.2d 57 (Fla. 1958)

RESOLUTION NO. 2004-251

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE CLERK OF THE COURTS, UNDER
SECTION 95.361, FLORIDA STATUTES TO FILE THE
SURVEY MAP FOR WATSON ROAD, 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 ACCORDANCE WITH THE PRINCIPLES SET
FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA 1958)**

15. Motion to adopt a Resolution authorizing the transfer of the License Agreement approved by Resolution 2004-17 to a new owner of the property adjacent to the County owned property located on Henry Street

This item was pulled from the Consent Agenda.

16. Motion to adopt **Resolution No. 2004-252**, approving the terms, provisions, conditions, and requirements of a Federally Funded Subgrant Agreement between the State of Florida, Agency for Healthcare Administration, and St. Johns County, Florida, and authorizing the County Administrator to execute the agreement on behalf of the County

RESOLUTION NO. 2004-252

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A FEDERALLY FUNDED SUBGRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, AGENCY FOR HEALTHCARE ADMINISTRATION, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

17. Proofs:

- a. Proof, Notice to Bidders, Bid No. 04-72
- b. Proof, Notice of New Schedule for Regular Meetings, Board of County Commissioners will meet August 11, 2004 and on every other Wednesday at 9:00 a.m. thereafter
- c. Proof, Notice of Meetings, Special Meetings of Representatives of the Board of County Commissioners, Friday, August 6, 2004 and Wednesday, August 11, 2004 at 12:00 p.m.
- d. Proof, Public Notice, Unclaimed monies
- e. Proof, Notice to Bidders, Bid No. 04-105
- f. Proof, Notice to Bidders, Bid No. 04-103
- g. Proof, Notice to Bidders, RFQ No. 04-99
- h. Proof, Notice to Bidders, RFP No. 04-102
- i. Proof, Notice of Meeting, SJC Evaluation Review Meeting for RFQ No. 04-89, Friday, August 6, 2004 at 9:00 a.m.
- j. Proof, Certificate of Liability Insurance, Adminstaff Companies, Inc.
- k. Proof, Certificate of Liability Insurance, Aquasol Controllers, Inc.
- l. Proof, Certificate of Liability Insurance, Brenntag Mid-South, Inc.
- m. Proof, Certificate of Liability Insurance, AWA Contracting Co, Inc.
- n. Proof, Notice to Bidders, Bid No. 04-111
- o. Proof, Notice to Bidders, Bid No. 04-108
- p. Proof, Notice of Meeting, Evaluation of RFQ No. 04-08, August 26, 2004, August 30, 2004 and September 8, 2004 at 9:00 a.m.
- q. Proof, Notice to Bidders, RFQ No. 04-94
- r. Proof, Notice to Bidders, Evaluation of RFQ No. 04-99, August 24, 2004 at 9:00 a.m.
- s. Proof, Notice of Hearing, Ordinance adoption amending section of Land Development Code, Historic Resource Review Board add/delete position of members, Wednesday, August 25, 2004 at 9:00 a.m.
- t. Proof, Notice to Bidders, Bid No. 04-109
- u. Proof, Certificate of Liability Insurance, Univar USA, Inc.
- v. Proof, Certificate of Liability Insurance, Schindler Elevator Corporation
- w. Proof, Certificate of Liability Insurance, MGA Construction, Inc.

(09/22/04 - 7 - 9:31 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to add a presentation by FDOT concerning the intersection of U.S. I and CR 210 and placed it on the Regular Agenda, as the first item after lunch at 1:30 p.m. Jacalone asked when the item they requested to be scheduled as a workshop from George McClure would be scheduled. Adams stated that he put it down tentatively for October 20 in the morning. Stern requested to add a Resolution for the Qualified Target Industry Refund Program in support of Northrop Grumman and placed it on the Regular Agenda as Item 11a and changed the Cash Report Item to 11b.

(09/22/04 - 7 - 9:33 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Maguire, carried 5/0, to approve the Regular Agenda, as amended. Tillis left the meeting.

(09/22/04 - 7 - 9:33 a.m.)

1. DISCUSSION OF ST. JOHNS COUNTY LICENSING REQUIREMENTS FOR SPECIALTY CONTRACTORS

Scott Clem, Assistant County Administrator for Operations, reviewed St. Johns County licensing requirements for specialty contractors. He reviewed the changes; one was to the definition section, paragraph G, defining a Class II Contractor, and a major change on page 21 inserting a clause in the paragraph dealing with Class II Contractors. Maguire stated, that over the last year, he had a lot of calls on Class II Contractors about the written test and asked if the written test guaranteed anything. Clem responded that it assured some level of competency in that field. Maguire mentioned that some of the people were asking why they had to get licensed in our county when they had State certification already. Clem responded that the real issue was because they had this local Ordinance since the mid 70's and along with that, the local governments had this type of requirement, which was over and above what the State required. Stan DeAngelis, Government Official, stated that the State required that some of the trades have State certification, and they don't license all trades. He stated that it was a local option that they had taken advantage of. Discussion followed on requiring local and State licensing. Stern asked what other counties were doing it. DeAngelis replied that 60 counties in the State of Florida required licensing of Class II Contractors. Meiszer disclosed that he received 30 e-mails, all opposing any action by the County and two Class II Contractors were in favor of keeping the test and requirements just as they were. Stern stated that this item was for discussion only. Clem reiterated that this was a workshop and stated that they wanted direction on whether to proceed or not.

(10:01 a.m.) Vernon Davis, 3940 Lewis Speedway, spoke in favor of the existing Ordinance.

(10:04 a.m.) Dick Pittman, P.O. Box 3264, Roofing contractor, spoke in favor of the existing Ordinance.

(10:07 a.m.) Douglas Anderson, 505 Turnberry Lane, spoke in favor of the existing Ordinance.

(10:10 a.m.) Jerry Linder, 360 Sophia Terrace, spoke in favor of the new Ordinance.

(10:17 a.m.) Robert Marshall, 318 Marsh Point Circle, spoke on being split between keeping it as was and going with the new Ordinance.

(10:27 a.m.) Don Segui, 34 Cordova Street, spoke in favor of the existing Ordinance.

(10:32 a.m.) Kea Blalock, 144 Southwind Circle, spoke in favor of the existing Ordinance.

(10:33 a.m.) Ed Paucek, 970 Irma Way, spoke in favor of the new Ordinance.

(10:38 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke in favor of the existing Ordinance. Stern stated that she thought what we had was good and that she didn't see a need to make any changes at this time. She mentioned that she thought they needed to turn their attention to the Workers Compensation area. Maguire spoke on not removing the educational element, having a level of respect, and the health and safety issues. He supported leaving it as it was. Jacalone stated that there were good points to both arguments, but he supported leaving it like it was. Stern stated that the direction was to continue it as it was.

The meeting recessed at 10:49 a.m. and reconvened at 10:59 a.m.

(09/22/04 - 8 - 10:59 a.m.)

2. PUBLIC HEARING - OIL AND GREASE MANAGEMENT ORDINANCE - THIS IS THE CONSIDERATION OF A NEW ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, GIVEN THE NAME, OIL AND GREASE MANAGEMENT ORDINANCE, WHICH WILL BE USED FOR THE ST. JOHNS COUNTY PRETREATMENT PROGRAM FOR THE PURPOSE OF PROVIDING UNIFORM PERMITTING, MAINTENANCE AND MONITORING REQUIREMENTS. THIS ORDINANCE SHALL APPLY TO ALL USERS OF THE PUBLICLY OWNED TREATMENT WORKS OF ST. JOHNS COUNTY, FLORIDA, AND PROVIDES FOR MONITORING, COMPLIANCE, AND ENFORCEMENT ACTIVITIES; ESTABLISHES ADMINISTRATIVE REVIEW PROCEDURES; REQUIRES USER REPORTING; AND PROVIDES FOR THE SETTING OF FEES FOR THE EQUITABLE DISTRIBUTION OF COSTS RESULTING FROM THE PROGRAMS ESTABLISHED HEREIN

Proof of publication of the Notice of Public Hearing on the 2004 Oil and Grease Ordinance, was received, having been published in *The St. Augustine Record* on September 8, 2004.

Bill Young, Director of Utilities, spoke on the St. Johns County Pretreatment Program for the purpose of providing uniform permitting, maintenance, and monitoring requirements. Young continued on why we needed a FOG Program, reviewing the sanitary sewer overflows, objectives, oil and grease clogged pipes, estimated occurrence of sanitary sewer overflows by cause and by pipe blockage. He reviewed the significant industrial users, justification of annual fee of \$300, and proposed rates being competitive with other programs. Discussion followed on sampling lift stations, the building codes making it mandatory to have grease traps, this Ordinance making it mandatory for them to be able to go in and make sure it was being monitored, what could be dumped into the sewer systems, and inspecting the restaurants annually. Bosanko said the intent of this Ordinance was to apply only to facilities served by St. Johns County and that JEA had their own regulations. (11:24 a.m.) **Motion by Maguire, seconded by Stern, to enact Ordinance No. 2004-76, Oil and Grease Management, with Bill Young reading the following revisions into the record: the definition of upset means "an exceptional incident in which there is unintentional and temporary noncompliance with permitted pretreatment standards because of factors beyond reasonable control of industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation," and delete in its entirety Section 2.3, Procedures for Appeals. The maker of**

the motion accepted, and the second agreed. (11:26 a.m.) Ed Paucek, 970 Irma Way, suggested providing an Ordinance and a mechanism of annual report. Young stated that the cost goes to the entities that caused the problem. Meiszer mentioned that the grease traps needed to be cleaned daily. Young replied that was a big part of the public education they needed to do. (11:29 a.m.) **The motion carried 5/0.**

ORDINANCE NO. 2004-76

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CREATING AN OIL AND GREASE MANAGEMENT ORDINANCE FOR ST. JOHNS COUNTY, FLORIDA; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN OIL AND GREASE MANAGEMENT PROGRAM; PROVIDING FOR GENERAL CRITERIA; PROVIDING FOR DESIGN; PROVIDING FOR CAPACITY; PROVIDING FOR INSTALLATION; PROVIDING FOR EXTENSIONS; PROVIDING FOR MAINTENANCE; PROVIDING FOR ISSUANCE OF DISCHARGE CERTIFICATE; PROVIDING FOR REPORTING REQUIREMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CERTIFICATES AND FEES; PROVIDING FOR ADMINISTRATIVE ENFORCEMENT REMEDIES; PROVIDING FOR JUDICIAL ENFORCEMENT REMEDIES; PROVIDING FOR AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS; PROVIDING FOR PROCEDURE FOR APPEALS; PROVIDING FOR JURISDICTION; PROVIDING FOR OIL AND GREASE MANAGEMENT PROGRAM RATES AND FEES; PROVIDING FOR AN OIL AND GREASE MANAGEMENT PROGRAM ENFORCEMENT RESPONSE PLAN; PROVIDING FOR OBJECTIVES OF RESPONSE PLAN; PROVIDING FOR ENFORCEMENT RESPONSES; PROVIDING FOR THE USE OF THE ENFORCEMENT RESPONSE GUIDE; PROVIDING FOR ACRONYMS; PROVIDING FOR ENFORCEMENT RESPONSE FOR UNAUTHORIZED DISCHARGES (NO DISCHARGE CERTIFICATE); PROVIDING FOR ENFORCEMENT RESPONSE FOR VIOLATION NOTED DURING INSPECTION; PROVIDING FOR ENFORCEMENT RESPONSE FOR REPORTING AND MONITORING VIOLATIONS; PROVIDING FOR ENFORCEMENT RESPONSE FOR FURTHER ADMINISTRATIVE/LEGAL ACTION; PROVIDING FOR OIL AND GREASE MANAGEMENT PROGRAM SURVEILLANCE FEES; PROVIDING FOR ADDITIONAL FEES FOR CERTAIN VIOLATIONS; PROVIDING FOR COST OF SERVICE PRICING FOR CERTAIN TYPES OF ANALYSIS; AND PROVIDING FOR AN EFFECTIVE DATE

(09/22/04 - 9 - 11:29 a.m.)

3. PUBLIC HEARING - REZ 2004-22, EAGLE TOWING - THIS REQUEST SEEKS TO REZONE 4.55 ACRES FROM PLANNED SPECIAL DISTRICT (PSD) TO COMMERCIAL INTENSIVE (CI) IN ORDER TO BRING THE EXISTING USE

OF THE PROPERTY INTO CONFORMITY WITH THE LAND DEVELOPMENT CODE. THE CURRENT USE OF THE SITE IS A VEHICLE TOWING AND STORAGE SERVICE WITH RESIDENT SECURITY. THE PARCEL IS LOCATED ON THE NORTH SIDE OF S.R. 16, GENERALLY EAST OF I-95 AND IMMEDIATELY EAST OF INMAN ROAD. THE PROPERTY IS LOCATED IN THE MIXED USE LAND USE DISTRICT AS DEPICTED ON THE FUTURE LAND USE MAP. POLICY A.1.9.8 OF THE 2015 COMPREHENSIVE PLAN REQUIRES BUFFERS AROUND DEVELOPMENTS WITHIN THE MIXED USE DISTRICT TO PROVIDE FOR COMPATIBILITY WITH ADJACENT USES. ONSITE WATER AND SEWER SERVE THE SUBJECT PROPERTY. ADJACENT ZONINGS INCLUDE PSD TO THE NORTH, OPEN RURAL (OR) TO THE WEST, COMMERCIAL INTENSIVE (CI) TO THE EAST. A RANGE OF COMMERCIAL HIGHWAY (CHT), INDUSTRIAL WAREHOUSE (IW), COMMERCIAL INTENSIVE (CI) AND COMMERCIAL GENERAL (CG) FACES THE PROPERTY TO THE SOUTH, SEPARATED FROM THE PROPERTY BY S.R. 16. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 0 AT THEIR AUGUST 19, 2004 MEETING

Proof of publication of Notice of Public Hearing on REZ 2004-22, Eagle Towing, was received, having been published in *The St. Augustine Record* on September 2, 2004.

Lindsay Haga, Planner II, stated that she had a minor change; the proposed Ordinance had a previously advertised time of 1:30 p.m. in the "whereas" clause and needed to be changed to 9:00 a.m.

(11:31 a.m.) Ed Paucek, 970 Irma Way, spoke on being in compliance. Maguire asked if anyone was in opposition of this item. Haga replied that there were four letters in opposition of this item received. (11:34 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance 2004-77, known as REZ 2004-22, Eagle Towing; adopting Findings of Fact 1 through 4 contained in the package.** Hunt left the meeting.

ORDINANCE NO. 2004-77

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DISTRICT (PSD) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(09/22/04 - 10 - 11:35 a.m.)

4. PUBLIC HEARING - REZ 2004-20, HORTON GROCERY - THIS REQUEST SEEKS TO REZONE 3.744 ACRES FROM COMMERCIAL GENERAL WITH CONDITIONS TO COMMERCIAL GENERAL (CG) WITHOUT CONDITIONS IN ORDER THAT THE PARCEL BE ELIGIBLE FOR ALL USES ALLOWED UNDER THE COMMERCIAL GENERAL ZONING. THE PARCEL IS LOCATED AT THE SOUTHWEST CORNER OF THE S.R.16/PACETTI ROAD INTERSECTION AND IS IN THE COMMUNITY COMMERCIAL LAND USE AREA, AS DEPICTED ON THE FUTURE LAND USE MAP. CURRENTLY THE PARCEL HAS A GROCERY STORE AND A RESIDENCE AND NO PLANS HAVE BEEN DEVELOPED AT THIS TIME FOR REDEVELOPMENT OF THE

SITE. THE PARCEL IS ALSO THE SUBJECT OF A SPECIAL USE REQUEST (SUPMAJ 2004-14) TO ALLOW THE SALE OF BEER AND WINE FOR OFFSITE CONSUMPTION. ANY FUTURE DEVELOPMENT OF THIS PARCEL WILL REQUIRE HOOKUP TO CENTRAL WATER AND SEWER FROM ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS ARE OPEN RURAL AND PUD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 4 TO 1 AT THEIR AUGUST 19, 2004 MEETING

Proof of publication of Notice of Public Hearing on REZ 2004-20, Horton Grocery, was received, having been published in *The St. Augustine Record* on September 2, 2004.

Bruce Ford, Chief Planner, mentioned that this Ordinance also had the 1:30 p.m. hearing time and stated that they would change it to 9:00 a.m. Maguire asked what the opposition was with the vote of 4 to 1 at the Planning and Zoning meeting.

(11:36 a.m.) George McClure, 170 Malaga Street, replied that there was no public opposition and Mr. Manual voted against it under the idea that he would rather have a specific plan of development. He spoke on what you could and couldn't do in the zoning code. Bosanko stated that the County litigated the issue of a specific plan of development twice, and lost. He stated that it was established in the Appellate Court that landowners had a right to straight rezoning without a specific plan. (11:40 a.m.) **Motion by Jacalone, seconded by Maguire, to enact Ordinance No. 2004-78, known as REZ 2004-20, Horton Grocery, adopting Findings of Fact 1 through 4, contained in the packet to support the motion.** Discussion followed on if the two court cases were brought before the PZA, concerns on that area changing, and the definition of PUD's. (11:48 a.m.) **The motion carried 5/0.**

ORDINANCE NO. 2004-78

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG) WITH CONDITIONS TO COMMERCIAL GENERAL (CG) WITHOUT CONDITIONS; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(09/22/04 - 11 - 11:48 a.m.)

5. PUBLIC HEARING - REZ 2004-08, BONFANTI - THIS REQUEST SEEKS TO REZONE 1.09 ACRES FROM RESIDENTIAL SINGLE FAMILY (RS-3) TO OPEN RURAL (OR) IN ORDER TO STORE LAWN EQUIPMENT IN AN EXISTING 1,500 SQUARE FOOT STORAGE BUILDING FOR A LAWN BUSINESS. THE APPLICANT'S HOME IS LOCATED ON THE ADJACENT PARCEL TO THE SOUTH. THE APPLICANT IS ALSO INTERESTED IN A WHOLESALE NURSERY USE FOR THE PARCEL IN THE FUTURE. THE PARCEL IS LOCATED ON THE EAST SIDE OF OLD MOULTRIE ROAD JUST SOUTH OF KINGS ESTATES ROAD AND IS IN THE MIXED USE LAND USE AREA, AS DEPICTED ON THE FUTURE LAND USE MAP. THE PARCEL IS SERVED WITH CENTRAL WATER AND SEWER PROVIDED BY ST. JOHNS COUNTY UTILITIES. ADJACENT ZONINGS ARE OR, RS-2 AND RS-3. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 0 AT THEIR AUGUST 19, 2004 MEETING

Proof of publication of the Notice of Public Hearing on REZ 2004-08, Bonfanti, was received, having been published in *The St. Augustine Record* on September 2, 2004.

Bruce Ford, Chief Planner, mentioned that this Ordinance needed the hearing time changed on it from 1:30 p.m. to 9:00 a.m.

(11:49 a.m.) Thomas Bonfanti, 2880 Old Moultrie Road, spoke on requesting this change from RS-3 to OR, to be able to store lawn equipment and have a nursery business later.

(11:50 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2004-79, known as REZ 2004-08 Bonfanti, adopting Findings of Fact 1 through 4 in the package to support the motion.**

ORDINANCE NO. 2004-79

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL SINGLE FAMILY (RS-3) TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(09/22/04 - 12 - 11:51 a.m.)

6. PUBLIC HEARING - REZ 2004-18 ST. VINCENT DE PAUL SOCIETY - THIS REQUEST SEEKS TO REZONE 1.390 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) IN ORDER TO DEVELOP THE SITE WITH A THRIFT STORE USE INCLUDING A 10,000 S.F. RETAIL STORE, AND 2,500 TO 3,000 S.F STORAGE BUILDING AND A LOADING/UNLOADING AREA. THE PARCEL IS LOCATED ON THE NORTH SIDE OF S.R. 207 APPROXIMATELY 3/4 MILES WEST OF US 1 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 THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS ARE OR TO THE EAST AND WEST, RS-3 TO THE NORTH AND CG TO THE SOUTH. THE OR PARCEL TO THE WEST IS CURRENTLY SEEKING A COMMERCIAL ZONING AS WELL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR AUGUST 5, 2004 MEETING

Proof of publication of the Notice of Public Hearing on REZ 2004-18, St. Vincent de Paul Society, was received, having been published in *The St. Augustine Record* on September 2, 2004.

Bruce Ford, Chief Planner, mentioned that this Ordinance needed the hearing time changed on it from 1:30 p.m. to 9:00 a.m.

(11:52 a.m.) Frederick Canevari, 36 East Avenue, Norwalk, Conn., spoke on the function of the organization and why they needed the change. He asked the Board if they would consider a relief on the impact fees. Bryant responded that they did not waive impact fees, but stated that Canevari could ask Staff to look at it again. Jacalone mentioned that they couldn't do it now, but he encouraged the church to check with Staff on it later.

(11:56 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance No. 2004-80, known as REZ 2004-18, St. Vincent de Paul Society; adopting Findings of Fact 1 through 4 in the package to support the motion.**

ORDINANCE NO. 2004-80

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS

DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(09/22/04 - 13 - 11:58 a.m.)

7. PUBLIC HEARING - THIS REQUEST SEEKS TO REZONE 142.36 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF A 218 CONDOMINIUM, 56 PAIRED VILLAS, AND 30 SINGLE FAMILY UNITS DEVELOPMENT WITH ASSOCIATED RECREATIONAL AMENITIES. THE SUBJECT PROPERTY IS SITUATED WEST OF U.S. 1 AND SOUTH OF RACETRACK ROAD IMMEDIATELY SOUTH OF THE BAYARD RACEWAYS DOG TRACK. JEA WILL PROVIDE CENTRAL WATER AND SEWER SERVICE. SIDEWALKS WILL BE PROVIDED ALONG THE MAIN ENTRANCE ROAD AS WELL AS ADJACENT TO INTERNAL DRIVES. PRIOR TO COMPLETION OF PHASE I, THE PUD WILL CONSTRUCT 4.28 ACRES OF ACTIVE RECREATION AREA WHICH WILL INCLUDE A 1.48 ACRE COMMUNITY CENTER WITH A CLUBHOUSE, TENNIS COURTS, BASKETBALL COURTS AND A GENERAL PURPOSE FIELD AND 2.8 ACRES WHICH WILL INCLUDE TOT LOTS, BASKETBALL COURTS AND EXERCISE/WALKING/RUNNING TRAILS. THE PUD WILL ALSO HAVE 99 ACRES (70%) OF OPEN SPACE INCLUDING 83.52 ACRES OF PRESERVED WETLANDS THAT MEETS THE MINIMUM 25% REQUIRED. THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL-C-MAINLAND (6 UNITS PER ACRE) AND THE PUD HAS A NET DENSITY OF 5.65 UNITS PER ACRE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR AUGUST 19, 2004 HEARING BY A VOTE OF 5 TO 0

Proof of publication of the Notice of Public Hearing on PUD 2004-06 Bayard PUD, was received, having been published in *The St. Augustine Record* on September 2, 2004.

Bruce Ford, Chief Planner, stated that he didn't have any additional information to offer.

(11:58 a.m.) George McClure, 170 Malaga Street, speaking on behalf of Centex Homes, reviewed this item, utilizing a site plan. He spoke on filling in additional wetlands, and meeting all the standards with respect to turnarounds. Maguire mentioned that the package stated that Development Review did not support the waiver and asked why. Discussion followed on the start date of this project.

(12:09 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2004-81, known as PUD 2004-06, Bayard PUD; adopting Findings of Fact 1 through 7 to support the motion.**

ORDINANCE NO. 2004-81

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

The meeting recessed at 12:10 p.m. and reconvened at 1:39 p.m. with Stern, Jacalone, Bryant, Meiszer, Adams, Bosanko, and Diane Gorski, Deputy Clerk present, and Commissioner Maguire absent.

Stern announced that Francis Brubaker, former Commissioner and former Chairperson for the Board of County Commissioners had passed away. She offered her condolences and instructed interested parties to contact the Commissioner's Office for additional details.

(09/22/04 - 14 - 1:40 p.m.)

7A. PRESENTATION BY RYAN SOLIS-RIOS, FDOT PLANNING & ENVIRONMENTAL MANAGEMENT OFFICE ON THE PROPOSED INTERCHANGE CONNECTION BETWEEN STATE ROAD-5 (US 1) AND C.R. 210

Joe Stephenson, Public Works Director, explained that this project was to begin the process of creating a grade separated interchange at C.R. 210 and U.S. 1 was part of the bond issue and said that in order to make the project eligible for State and Federal funds, the County entered into an Agreement with the Florida Department of Transportation (FDOT) that authorized FDOT to do the study using County money. He introduced John Rasmussen, County Engineer, Ryan Solis-Rios, FDOT Project Manager, and Ralph Bovay, Project Coordinator, Dyers, Riddle, Mills and Precourt Consulting Firm (DRMP).

(1:43 p.m.) Ralph Bovay, Vice President of DRMP gave a PowerPoint presentation (Exhibit A), which provided an update on the C.R. 210 and U.S. 1 Interchange development and environment study. He stated that the purpose of the study was to improve the existing operations at the C.R. 210 and U.S. 1 intersection to improve travel service and provide a continuous connection from C.R. 210 on the east side of U.S. 1 to the west side and anticipated that the study would take approximately eighteen to twenty-four months to complete.

(1:52 p.m.) Meiszer stated that one of the three reasons he had failed to vote for Nocatee was their failure to come to grips with this intersection. He said that he was glad the problem was finally being addressed and hoped that the project could be accelerated.

(09/22/04 - 14 - 1:54 p.m.)

8. CONSIDER A MOTION TO ADOPT RESOLUTION NO. 2004-253, AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN NOTE AND OTHER RELATED DOCUMENTS ASSOCIATED WITH THE COUNTY'S PARTICIPATION IN THE POOLED COMMERCIAL PAPER PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION AND THE BORROWING OF \$1,101,000 TO COMPLETE THE PURCHASE OF THE COASTAL HIGHWAY PARCEL

Dan Bosanko, County Attorney gave a brief explanation of the Pooled Commercial Paper Loan Program. He reminded the Board that this was a process to confirm the acquisition of 3.2 acres of land located at 3171 Coastal Highway for use as a beachfront park. He explained that the Board of County Commissioners had directed that the parcel be acquired at the May 18, 2004 Board meeting by the use of funds borrowed through our Florida Local Government Finance Commission and then introduced Jean Mangu, Chief Consultant with the legal office for financial matters, to present the resolution which would implement the funding of \$1,101,000.

(1:55 p.m.). Jean Mangu, Attorney with Edwards Cowan, explained that the resolution would authorize the loan itself, the principle amount, contained the payment schedule and authorized the County to execute the necessary loan documents, including a promissory note. She stated that the note was payable from a covenant to budgeting appropriate with available County funds which is provided for within the loan agreement. (1:57 p.m.) **Motion by Bryant, seconded by Jacalone, carried 4/0, with Maguire absent, to adopt Resolution No. 2004-253, authorizing the execution and delivery of the Loan Note and other related documents associated with the County's participation in the Pooled Commercial Paper Program of the Florida Local Government Finance Commission and the borrowing of \$1,101,000 to complete the purchase of the Coastal Highway parcel.**

RESOLUTION NO. 2004-253

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, THAT SUPPLEMENTS ST. JOHNS COUNTY RESOLUTION NOS. 99-138 AND 2001-78; MAKES FINDINGS; PROVIDES DEFINITIONS; AUTHORIZES THE COUNTY TO BORROW \$1,101,000 (THE "FIFTH LOAN" FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION; PLEDGES CERTAIN NON-AD VALOREM FUNDS TO THE PAYMENT OF THE FIFTH LOAN; APPROVES THE TERMS AND CONDITIONS OF THE NOTE THAT WILL EVIDENCE THE FIFTH LOAN; AUTHORIZES A NEGOTIATED SALE OF THE FIFTH LOAN NOTE; AUTHORIZES THE EXECUTION AND DELIVERY OF THE FIFTH LOAN NOTE; DIRECTS THE COUNTY ADMINISTRATOR TO ENSURE THAT CERTAIN TASKS ARE PERFORMED; AUTHORIZES THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS; AND PROVIDES AN EFFECTIVE DATE

(09/22/04 - 15 - 1:58 p.m.)

9. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SUBMIT A PROPOSED 10-YEAR STATE BUDGET PLAN FOR BEACHES AT ST AUGUSTINE BEACH TO THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND TO EXECUTE ANY NECESSARY AGREEMENTS CONCERNING THE BEACH PROJECTS WITH THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUBJECT TO ANNUAL BUDGET APPROPRIATION BY THE BOARD OF COUNTY COMMISSIONERS

Dan Weimer, Director of Parks and Recreation, explained that the State had \$30,000,000 for beaches and coastal systems available each year to counties to fund waterway projects, beach projects, and renourishment projects. He stated that this was the States cost share used by St. Johns County on beach renourishment and that yearly applications were required. He explained that applications for the St. Augustine Beach Renourishment Project and a feasibility study relating to critically eroded beaches at North Beach and Summerhaven project would be filed. He mentioned that the State required the County to submit a proposed ten-year funding plan for the projects that indicate the County, State and Federal shares.

(2:00 p.m.) Meiszer asked if the plan included some provision for taking steps to preserve the material that is used to renourish the beach and asserted that part of the plan needed to address maintenance after renourishment. Weimer answered that this was a fifty-year program with the Army Corps of Engineers and every five years the cycle would be repeated. (2:01 p.m.) Maguire entered the meeting. Weimer stated that Taylor Engineering was heading the project and asked the Board if they would like to have the firm present an update at a future meeting with an opportunity for the Board to ask questions. Discussion ensued. (2:11 p.m.) Stern mentioned that Items Nine and Ten had both been covered in this presentation and that two separate motions would be needed and Bosanko concurred. (2:11 p.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, authorizing the County Administrator to submit a proposed 10-year State budget plan for beaches at St. Augustine Beach to the State Department of Environmental Protection and to execute any necessary agreements concerning the beach projects with the State Department of Environmental Protection, subject to annual budget appropriation by the Board of County Commissioners.**

RESOLUTION NO. 2004-254

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS

(09/22/04 - 16 - 2:12 p.m.)

10. CONSIDER A MOTION TO ADOPT RESOLUTION NO. 2004-255, AUTHORIZING THE COUNTY ADMINISTRATOR TO SUBMIT A PROPOSED 10-YEAR STATE BUDGET PLAN FOR BEACHES AT NORTH BEACH AND SUMMERHAVEN TO THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND TO EXECUTE ANY NECESSARY AGREEMENTS CONCERNING THE BEACH PROJECTS WITH THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUBJECT TO ANNUAL BUDGET APPROPRIATION BY THE BOARD OF COUNTY COMMISSIONERS

Stern explained that this item was reviewed in conjunction with Item Number Nine. (2:13 p.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to adopt Resolution No. 2004-255, authorizing the County Administrator to submit a proposed 10-year State budget plan for beaches at North Beach and Summerhaven to the State Department of Environmental Protection and to execute any necessary agreements concerning the beach projects with the State Department of Environmental Protection, subject to annual budget appropriation by the Board of County Commissioners.**

RESOLUTION NO. 2004-255

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS

(09/22/04 - 17 - 2:13 p.m.)

11. CONSIDER A MOTION TO ADOPT RESOLUTION GRANTING A ONE-TIME 50% REBATE FOR THE FISCAL YEAR 2005 OF THE BUILDING DEPARTMENT'S PLAN CHECK FEES, ELECTRICAL PERMITS, MECHANICAL PERMITS, PLUMBING PERMITS, MOBILE HOME PERMITS, AND BUILDING PERMITS

Scott Clem, Growth Management Director, explained that due to the recent increases in construction in St. Johns County there was now an excess reserve of Building Department Revenue. He said that in order to reduce the excess and keep revenues in accordance with the funding required to operate, the Building Department proposes that the fees for Plan Check Fees, Electrical Permits, Mechanical Permits, Plumbing Permits, Mobile Home Permits, and Building Permits be temporarily reduced 50% for the Fiscal Year 2005, from October 1, 2004 through September 30, 2005. He explained that this proposed reduction in fees had been modeled after a plan utilized in Palm Beach County. (2:15 p.m.) Jacalone expressed his support. (2:16 p.m.) Meiszer stated that he saw no ceiling or amount that would justify a 50% reduction in revenue and that if the revenue was decreased over time or if there was an increase in the services provided, the surplus would be utilized. (2:17 p.m.) Clem stated that there would be a proposed fee schedule in effect long before the decrease expired and that a study would soon be under way. Discussion relating to the budget for FY 2005 ensued. (2:20 p.m.) Maguire asked Clem to explain where the excess monies originated and Clem answered that the monies were obtained through permitting fees paid by contractors for the review and inspection of new construction and mentioned that the State restricted its use to build construction related activities only. He further explained that the excess monies were placed in a Special Revenues Fund and that each fiscal year; the left over balance was carried over into reserves. Clem announced that a fee schedule study to determine the appropriate charges would be forthcoming. (2:22 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adopt Resolution No. 2004-256, granting a temporary, one-time 50% reduction for the Fiscal Year 2005 of the Building Department's Plan Check Fees, Electrical Permits, Mechanical Permits, Plumbing Permits, Mobile Home Permits, and Building Permits.**

RESOLUTION NO. 2004-256

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A TEMPORARY 50% REDUCTION OF THE ST. JOHNS COUNTY BUILDING DEPARTMENT PLAN CHECK FEES, AND THE FEES ASSOCIATED WITH THE GENERATION OF ELECTRICAL PERMITS, MECHANICAL PERMITS, PLUMBING PERMITS, MOBILE HOME PERMITS, AND BUILDING PERMITS FOR THE FISCAL YEAR 2005, AND PROVIDING AN EFFECTIVE DATE AND TERMINATION DATE

(09/22/04 - 17 - 2:23 p.m.)

- 11A. CONSIDERATION TO ADOPT RESOLUTION FOR THE QUALIFIED TARGET INDUSTRY (QTI) REFUND PROGRAM IN SUPPORT OF NORTHROP GRUMMAN

Karen Johnson, Intergovernmental Relations Department, explained that the Northrop Grumman was looking into potentially consolidating approximately ninety-five highly skilled QTI positions and that Northrop Grumman was considering expansion at their St. Johns County location and had submitted an application. She explained that the agreement would be between the State of Florida and Northrop Grumman and would

provide a total of \$475,000 in the form of a tax refund. She asked the Board to recommend Northrop Grumman's application and to commit to providing a 20% match not to exceed \$95,000 in total county tax refund participation. (2:25 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adopt Resolution No. 2004-257, to support Northrop Grumman's application for the Qualified Target Industry Tax Refund Program and the intent to commit the County to pay up to \$95,000 as local financial support if funds are available in future years.** Stern spoke in favor of this project.

(2:17 p.m.) Mark Tucker, Vice President of Eastcoast Operations for Northrop Grumman, expressed his appreciation to the Board of County Commissioners for their support in this endeavor.

RESOLUTION NO. 2004-257

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT NORTHROP GRUMMAN BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO §288.106, FLORIDA STATUTES; AND PROVIDING AN APPROPRIATION OF \$95,000.00 AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM, AND PROVIDING AN EFFECTIVE DATE

(09/22/04 - 18 - 2:29 p.m.)

11B. APPROVAL OF THE CASH REPORT (*Formerly Consent Item 1*)

Dan Bosanko, County Attorney explained that the Café Erotica sign litigation issue had been resolved and required the County to make payment to the attorney's representing Café Erotica. He requested that two checks totaling \$66,420.16 be added to the Cash Report and then Board approval of the Cash Report. (2:31 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to add two checks to the Cash Report in the amounts of \$29,850.98 and \$36,569.18 and to approve the Cash Report.**

(09/22/04 - 18 - 2:33 p.m.)

COMMISSIONER REPORTS

Commissioner Meiszer

Meiszer requested better quality control on the Agendas and Stern concurred.

(2:34 p.m.)

Commissioner Maguire

Maguire mentioned that two Saint Augustine units were being deployed to Iraq and that there would be a deployment ceremony at the Marklands Armory on Thursday at 3:00 p.m.

Maguire announced that Gary Bruce, Project Special Care, was nominated by Congressman Mica to receive federal recognition called the "Angels in Adoption Award" for those who had made a difference in the lives of children and stated that the recognition ceremony would be held today in Washington D.C. at the Ronald Reagan International Trade Center.

(2:36 p.m.)

Commissioner Stern

Stern stated that the Housing and Community Services office had sustained storm damage and was temporarily relocated to the Health and Human Services building and

said that she had received an email from Tom Crawford, SHIP Director, stating how much he appreciated the help of Wylie Thibault and the MIS Staff in keeping their office functional throughout the relocation process. He also commended the Veteran's Service Staff for giving up space for the Housing and Community Services Department and complimented the efforts of the Facilities Maintenance and Real Estate Staff and Loni Sylvestris.

(2:39 p.m.)

Commissioner Jacalone

Jacalone congratulated the Emergency Operations Center and Staff for their hard work, quick response and dedication during the storm.

(2:40 p.m.)

Commissioner Bryant

Bryant mentioned that Gary Bruce was also a recruiter and trainer of foster parents, in St. Johns County.

Bryant stated that Nocatee had committed to \$98,000,000 in transportation projects and hoped that the CR 210 Interchange project would be reconsidered and accelerated, using part of these funds if feasible.

Bryant asked Bosanko for an update on the citations being issued at St. Augustine by the Sea. (2:41 p.m.) Bosanko stated that the Zoning Department was issuing citations at St. Augustine by the Sea for Code Violations. He summarized the problems and discussion ensued. (3:12 p.m.) Bosanko asked the Board if they wanted to hold a workshop relating to this issue. He stated that the County would continue to enforce regulations.

(09/22/04 - 19 - 3:13 p.m.)

COUNTY ADMINISTRATOR REPORT

Adams announced that the Impact Fee study would be received from Dr. Nicholas by October 15, 2004 and that Staff would review the study and present it to the Board for action.

Adams stated that Don Runk, WSOS Radio Personality, informed him that the radio station now had a generator and would be in full operation during inclement weather conditions.

Adams announced that the auditorium now had a generator to operate the audiovisual equipment; Government TV, a few lights and a PA system during power outages.

Adams reminded everyone of the 5:30 p.m. Public Meeting on Wednesday September 29, 2004.

(09/22/04 - 19 - 3:15 p.m.)

CLERK OF COURT'S REPORT

No report.

(09/22/04 - 19 - 3:15 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(3:15 p.m.) David Hodges, Private Investigator, 8553-1 Argyle Business Loop, stated that he had been investigating a company that had been operating in St. Johns County

since 1998 with no occupational license. He stated that he had informed the Tax Collectors Office that Force One Walls Inc., 10475 Old Dixie had been operating without a license, not paying taxes, insurance or worker's compensation coverage. Hodges announced that business owners, Gotch and Cora Hoggin had no valid social security numbers, and that they were Canadian immigrants. He said that the couple had separated and that there was an outstanding warrant for Cora's arrest in St. Johns County for impersonating a contractor and that Gotch Hoggin was under indictment for Worker's Compensation fraud. He asked why St. Johns County would allow people without social security numbers to operate a business.

(3:18 p.m.) Stern thanked Hodges for the information and asked Adams to get the information from Hodges and act accordingly.

With there being no further business to come before the Board, the meeting recessed at 3:18 p.m. and reconvened at 5:34 p.m. with Stern, Maguire, Meiszer, Bryant, Bosanko, Adams and Robin Platt, Deputy Clerk, present.

(09/22/04 - 20 - 5:34 p.m.)

12. PUBLIC HEARING - ADOPTION OF TENTATIVE BUDGET AND MILLAGE RATES FOR FISCAL YEAR 2005 - FLORIDA STATUTES 129.03 AND 200.065 REQUIRE THAT, EACH YEAR THE BOARD OF COUNTY COMMISSIONERS (BCC) MUST ADOPT ITS MILLAGE RATES AND BUDGET FOR ITS NEXT FISCAL YEAR AT A PUBLIC HEARING. THAT HEARING MUST BE HELD AFTER 5:00 P.M., IF SCHEDULED ON A DAY OTHER THAN A SATURDAY. THE FLORIDA STATUTES PRESCRIBE A SPECIFIC ORDER FOR THE CONSIDERATION OF ITEMS AT THE PUBLIC HEARING. THE FIRST SUBSTANTIVE ISSUE OF DISCUSSION MUST BE THE PERCENTAGE INCREASE IN THE AGGREGATE MILLAGE RATE OVER THE ROLLED BACK RATE. PUBLIC COMMENT ON THE PROPOSED MILLAGE RATES AND BUDGET MUST ALSO BE HEARD. PRIOR TO THE CLOSURE OF THE MEETING, THE BCC WILL NEED TO ADOPT RESOLUTIONS SETTING FORTH THE MILLAGE RATES AND BUDGET. THE BCC WILL ALSO NEED TO ESTABLISH A DATE, TIME AND PLACE OF A PUBLIC HEARING FOR ITS FINAL BUDGET AND MILLAGE ADOPTION. IT IS RECOMMENDED THAT THE BCC ESTABLISH WEDNESDAY, SEPTEMBER 29, 2004, AT 5:30 P.M., IN THE COUNTY AUDITORIUM FOR ITS FINAL HEARING

Stern reviewed the procedure to be followed for this item.

(5:35 p.m.) Doug Timms, Interim Director of Management and Budget, explained that the percentage increase over the rollback rate for the Fiscal Year 2005 budget was 6.69%. He also explained that the main reason for the increase in the rollback rate was an increase in the Fire Service and Sheriff's budgets.

(5:37 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., addressed support for senior citizen services and educational funding for County Staff members. Bryant responded to Van Ghent's comments, pointing out how the County has funded senior citizen programs.

(5:46 p.m.) Richard Thomas, 4322 Palmetto St., Chairman of the Civic Roundtable, addressed the Fire/Rescue budget, relating to the inadequacies in salaries and their turn-overrate; the Airport Authority becoming self-supporting; and impact fee adjustments. Bryant responded to Thomas' comments.

(5:52 p.m.) Timms gave a PowerPoint presentation to highlight some of the increases/decreases in the budget and the millage rate. He indicated that the total County budget was \$445,552,451, up \$55.3 million, or 14.2%, from the previous amended budget, as of February 28, 2004. He then responded to questions from the Board and discussion ensued.

(6:13 p.m.) Bryant asked if an analysis of the expected sales tax spike from the Super Bowl had been done. Timms stated that was not projected in this budget; discussion followed.

(6:18 p.m.) Timms publicly announced that the rollback rate for St. Johns County was 6.5269 mills; the percentage increase in property taxes over the rollback rate was 6.69%; and the tentative millage rate was 6.9636, for Fiscal Year 2005.

(6:19 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Jacalone absent, to adopt Resolution No. 2004-259, establishing the millage rates as follows:**

RESOLUTION NO. 2004-259

RESOLVED, that the following **TENTATIVE MILLAGE RATE** is hereby set by the Board of County Commissioners of St. Johns County, Florida, for all property in St. Johns County, as of January 1, 2004.

General Fund	4.930
County Transportation Trust Fund	.900
County Health Unit Trust Fund	.020
Fire District, Countywide	1.200
Except City of St. Augustine	
Vilano Street Lighting District	.023
St. Augustine South Street	.106
Lighting District	
Julington Creek Municipal Service District	.000
AGGREGATE MILLAGE RATE	6.9636
Rolled-back Rate	6.5269
Percentage increase in Property Taxes over rolled-back rate:	6.69%

(6:21 p.m.) **Motion by Bryant, seconded by Stern, to adopt Resolution No. 2004-260, carried 3/1 with Jacalone absent and Maguire opposed, establishing the Tentative Budget of the Board of County Commissioners of St. Johns County, developed using the certified taxable value of \$14,214,010,792, generating an estimated \$98,980,262 in taxes, is hereby adopted, resulting in a total budget of \$445,552,451, listed as follows:**

RESOLUTION NO. 2004-260

RESOLVED, that the following **FISCAL YEAR 2005 TENTATIVE BUDGET** of the Board of County Commissioners of St. Johns County, Florida, developed using the certified taxable value of \$14,214,010,792, generating an estimated \$98,980,262 in taxes, is hereby adopted, resulting in a total budget of \$445,552,451 as follows:

General Fund	\$119,973,976
Special Revenue Funds	
County Health Unit Trust Fund	288,407
Court Facilities Trust Fund	729,608

Building Services Fund	11,776,832
Law Enforcement Trust Fund	11,802
State Housing Init. Part. Program	2,783,929
Mental Health Unit Trust Fund	4,737,304
Community Based Care	3,957,819
Utility Regulation Fund	249,222
County Transportation Trust Fund	37,082,579
Beach Fund	1,477,256
Pier Operations Fund	186,984
Tourist Development Fund	6,269,569
Tree Bank Fund	114,930
Galimore Center Fund	205,946
Alcohol & Drug Abuse Trust Fund	32,286
Communications Surcharge Fund	805,622
Choose Life License Fund	13,239
Driver Education Safety Fund	157,735
W. Augustine CRA Fund	589,710
Flagler Estates CRA Fund	533,522
Vilano Beach CRA Fund	5,858,113
FL Boating Improvement Trust Fund	1,262,717
Housing Abatement Fund	75,721
Impact Fee Funds	14,888,933
FL Arts License Plate Fund	25,888
Davis Park Fund	19,015
E-911 Communications	1,492,254
Fire District Fund	20,357,513
Sidewalk Mitigation Fund	43,948
World Commerce Center DRI Fund	28,600
Vilano Street Lighting District	14,162
Elkton Drainage District	27,314
St. Augustine South Lighting District	38,616
Julington Creek MSD	1,543
Treasure Beach MSBU	0
Thompson Bailey Road MSBU	20,270
Private Roads MSBU	22,210
C. H. Arnold Road Grading MSBU	11,274
Rusty Anchor/Wendover Rd. MSBU	2,840
Northwest Tower Fund	49,074
Crimes Prevention Trust Fund	176,187
Court Modernization Trust Fund	1,204,400
Legal Aid Fund	207,625
Law Library Fund	157,200

Debt Service Funds

\$12,185,000 Refunding Debt Service	1,107,613
03 Transportation Improvement Debt Serv	3,543,653
\$21,095,000 Refunding Debt Service	1,534,651
Ponte Vedra Sewer Debt Service	648,707
Commercial Paper Debt Service	1,937,350
04 Sales Tax Bonds Debt Service	2,249,345
GE Capital Debt Service	93,750

Capital Project Funds

Northwest Road Project Fund	2,077,409
Library Building Fund	295,000

Park Projects Fund	6,505,962
Recreation Projects	1,184,588
N. Holmes Blvd. Fund	1,125,211
Bond Transportation Projects Fund	16,029,056
Sewer Construction Fund	6,396,410
Detention Facility Lighting Fund	869,371
Sales Tax Bond Projects Fund	35,014,813

Enterprise Funds

Solid Waste Fund	25,605,277
St. Johns County Utility Fund	80,129,561
Convention Center Fund	3,063,862
Golf Course Fund	2,980,582
Amphitheater Fund	1,301,393

Internal Service Funds

Workers Compensation Fund	2,721,939
Group Health Insurance Fund	11,173,254

(6:22 p.m.) Maguire stated that he could not support this budget, as he wanted the Sheriff to trim his budget.

(6:24 p.m.) Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to set the final public hearing as September 29, 2004, at 5:30 p.m., in the County Auditorium, for the final adoption of the budget.

(6:25 p.m.) Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to adjourn.

REPORTS:

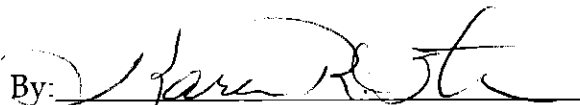
1. St. Johns Board of County Commissioners Check Register, Check Numbers 357144 through 357167, totaling \$1,490.15 (09/16/04)

CORRESPONDENCE:

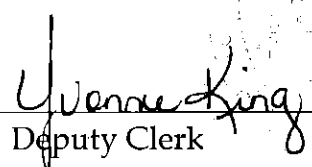
1. Letter dated September 17, 2004, to the Department of State, Bureau of Administrative Code, filing St. Johns County Ordinance Numbers 2004-72 through 2004-75

Approved October 20, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk