

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 15, 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: Bruce Maguire, District 4, Chairman
 Cyndi Stevenson, District 1
 Karen Stern, District 2,
 Ben Rich, District 3
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, County Attorney
 Diane Gorski, Deputy Clerk

(12/15/04 - 1 - 9:04 a.m.)
Maguire called the meeting to order.

(12/15/04 - 1 - 9:05 a.m.)
Maguire gave the Invocation and Stern led the Pledge of Allegiance.

(12/15/04 - 1 - 9: 06 a.m.)
ROLL CALL

Maguire stated that three Commissioners were present, Stevenson was en route, and Bryant was absent.

(12/15/04 - 1 - 9:06 a.m.)
PUBLIC COMMENT

There was none.

Stevenson entered the meeting at 9:07 a.m.

(12/15/04 - 1 - 9:07 a.m.)
DELETIONS TO CONSENT AGENDA

A request that to move Consent Item #19 to the Regular Agenda as Item #7a, pull and reschedule Consent Item #15 for 12/29/04 and pull and reschedule Consent Item #17 to a date uncertain.

(12/15/04 - 1 - 9:08a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Stern, seconded by Rich, carried 4/0, with Bryant absent, to approve the Consent Agenda as amended.

1. Approval of the Cash Requirement Report

2. Minutes:
11/03/04 – BCC Regular Meeting
11/16/04 – BCC Special Meeting
3. Sheriff Office Bonds:
Approve:
Jacquelyn Ard Jose L. Feliz Kenneth J. Grogan
Robert D. Jones Gregory A. Smith Steven L. Smith
Albert L. Stettner
4. Motion to transfer \$19,200 from Library Services Contractual Services (0078 53120) to Landscaping Operating Supplies (0085 55200)
5. Motion to authorize the County Administrator, or his designee, to purchase and install carpet for the Services Center Building from US Communities Contract Supplier, Modular Design in the amount of \$75,674.72
6. Motion to authorize the County Administrator, or his designee, to purchase seven (7) 2005 Compact Trucks 4X2 and 4x4 from the responsive low bidder Mike Davidson Ford in the amount of \$86,642.00 under Bid No. 05-2 (See attachment A)
7. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm Psychological Services of St. Augustine for RFP No. 05-14, Family Services – Prevention for St. Johns County. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm and continue until an agreement is reached
8. Motion to authorize the County Administrator, or his designee, to enter into contract with BNC, Inc in the amount of \$935,365.27 for the Construction Of Alpine Grove Park Phase I Improvements, Bid No 05-23 (See attachment B)
9. Motion to adopt **Resolution No. 2004-362**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement for the acquisition of approximately 14 acres for a County Park

RESOLUTION NO. 2004-362

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT FOR ACQUISITION OF APPROXIMATELY 14 ACRES FOR A COUNTY PARK

10. Motion to adopt **Resolution No. 2004-363**, approving the terms of a Lease Agreement of County property to the Florida Department of Environmental Protection for the ongoing management of Fort Moses as a State Park

RESOLUTION NO. 2004-363

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LEASE AGREEMENT

ST. JOHNS COUNTY BID TABULATION



BID TITLE PURCHASE OF SEVEN (7) 2005
COMPACT PICKUP TRUCKS 4X2
& 4X4

BID NUMBER BID NO. 05-29

OPENING DATE/TIME November 10, 2004 3:00 P.M.

POSTING TIME/DATE FROM 10/10/2004 4:00 PM UNTIL 10/16/2004 4:00 PM

OPENED BY LEIGH DANIELS *[Signature]*

TABULATED BY ELLEN FREEMAN

VERIFIED BY *[Signature]*

PAGE (S) 1 OF 1 PAGE (S)

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.

BIDDERS	TOTAL PACKAGE BID	TOTAL UNIT PRICE PER TRUCK 4X2 W/OPTIONS	TOTAL UNIT PRICE PER TRUCK 4X4 W/OPTIONS	MAKE/MODEL	DELIVERY DATE	ADDENDUM # 1
BOZARD FORD	\$98,095.00	\$13,562.00	\$16,723.00	FORD RANGER SUPERCAB	45 DAYS	YES
JACK WILSON CHEVROLET	\$100,300.00	\$13,900.00	\$16,900.00	CHEVY COLORADO EXT. CAB	30-60 DAYS	YES
MIKE DAVIDSON FORD	\$86,642.00	\$11,924.00	\$15,098.00	FORD RANGER	45-60 DAYS	YES
ROGERS DODGE	\$104,593.00	\$14,466.00	\$17,797.00	DODGE DAKOTA CLUB CAB	60-90 DAYS	YES
CHAMPION CHEVROLET	\$84,310.00	\$11,641.00	\$14,464.00	CHEVY COLORADO	60-70 DAYS	YES
BECK AUTO SALES	\$77,376.00	\$12,896.00	NO BID	DODGE DAKOTA CLUB CAB	60-90 DAYS	NO

BID AWARD DATE - _____

*Correct Item # 6
12-15-04
Attachment A*

**ST. JOHNS COUNTY
BID TABULATION**



BID TITLE CONSTRUCTION OF ALPINE GROVES PARK PHASE I IMPROVEMENTS

OPENED BY JANET ELLIOTT *JE*
TABULATED BY ELLEN FREEMAN *ef*
VERIFIED BY

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 NUMBER BID NO. 05-23
OPENING DATE/TIME November 24, 2004 3:00 P.M.
POSTING TIME/DATE FROM 11/24/2004 4:00 PM UNTIL 12/01/2004 4:00 PM

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	TOTAL BASE BID PRICE	BID BOND	ADDENDUM # 1	ADDENDUM # 2	ADDENDUM # 3	ATTENDED MANDATORY PRE-BID MEETING
SHEZA GENERAL CONTRACTORS	\$1,125,915.19	YES	YES	YES	YES	YES
BA WILSON CONSTRUCTION	\$642,096.50	YES	YES	YES	YES	YES
BNC, INC	\$935,365.27	YES	YES	YES	YES	YES
JACKSONVILLE EIGHTEENTH CONSTRUCTION	\$1,041,861.72	YES	YES	YES	YES	YES



*Insert Item # 8
12-15-04
Attachment B*

BID AWARD DATE - _____

OF COUNTY PROPERTY TO THE FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR THE ONGOING MANAGEMENT OF FORT MOSE
AS A STATE PARK

11. Motion to adopt **Resolution No. 2004-364**, accepting a Quit Claim Deed from the United States of America for ownership of the Palm Valley Bridge

RESOLUTION NO. 2004-364

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A QUIT CLAIM DEED FROM THE UNITED STATES OF AMERICA FOR OWNERSHIP OF THE PALM VALLEY BRIDGE

12. Motion to adopt a **Resolution No. 2004-365**, approving a Final Plat for Heritage Park Phase 1B

RESOLUTION NO. 2004-365

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR HERITAGE PARK PHASE 1B

13. Motion to adopt **Resolution No. 2004-366**, approving a Final Plat for Heritage Park Phase 2

RESOLUTION NO. 2004-366

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR HERITAGE PARK PHASE 2

14. Motion to adopt **Resolution No. 2004-367**, approving a Final Plat for Commons at Wingfield Glen, Unit Two

RESOLUTION NO. 2004-367

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR COMMONS AT WINFIELD GLEN - UNIT TWO

15. Motion to adopt a Resolution, approving a Final Plat for Prairie Lakes, Phase 2

This item was pulled from the Consent Agenda and will be rescheduled on 12/19/04.

16. Motion to adopt **Resolution No. 2004-368**, authorizing the County Administrator to execute the agreement between St. Johns County and the Florida Department of Transportation for maintenance of the sidewalk in Hastings

RESOLUTION NO. 2004-368

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION

17. Motion to adopt a Resolution, recognizing unanticipated revenue in the amount of \$4,806.72 from VFIS and adjusting the appropriate expenditure line item by the same amount

This item was pulled from the Consent Agenda and will be scheduled to a date uncertain.

18. Motion to approve an amendment to the Interlocal Agreement between the County and the Public Defender to exempt payments from certain service charges, and authorize execution of the amendment by the County Administrator
19. Motion to adopt a resolution, authorizing the Chair to approve and adopt the City/County Interlocal Agreement to administer West Augustine sewer construction and eliminate failing septic systems

This Item moved from the Consent Agenda and was added to the Regular Agenda as Item #7a.

20. Motion to adopt **Resolution No. 2004-369**, authorizing the County Administrator to sign the Memorandum of Agreement between St. Johns County Board of County Commissioners and the Florida Statewide Guardian Ad Litem Office

RESOLUTION NO. 2004-369

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF ST. JOHNS COUNTY COMMUNITY BASED CARE, AND FLORIDA STATEWIDE GUARDIAN AD LITEM OFFICE, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE COUNTY, AND ST. JOHNS COMMUNITY BASED CARE

21. Motion to adopt **Resolution No. 2004-370**, authorizing the County Administrator to sign the Memorandum of Agreement between St. Johns County, Department of Children and Families District Four and the Department of Juvenile Justice

RESOLUTION NO. 2004-370

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A MEMORANDUM OF UNDERSTANDING BETWEEN ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF ST. JOHNS COUNTY COMMUNITY BASED CARE, AND DEPARTMENT OF JUVENILE JUSTICE, AND

**AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE THE MEMORANDUM OF AGREEMENT ON
BEHALF OF THE COUNTY, AND ST. JOHNS
COMMUNITY BASED CARE**

22. Motion to accept the HCAP Grant funding the Family Navigator positions and to direct the County Administrator to execute the Grant Agreement and Motion to adopt **Resolution No. 2004-271**, recognizing \$33,591.70 in unanticipated revenue and appropriating it to the Social Services Department for use (0067-55305)

RESOLUTION NO. 2004-371

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE FISCAL YEAR 2005 GENERAL FUND
BUDGET TO RECEIVE UNANTICIPATED REVENUE
AND AUTHORIZE ITS EXPENDITURE BY THE ST.
JOHNS COUNTY SOCIAL SERVICES DEPARTMENT**

23. Proofs:

- a. Proof, Notice to Bidders, Bid No. 04-94
- b. Proof, Notice to Bidders, Bid No. 04-113R
- c. Proof, Notice to Bidders, Bid No. 05-10
- d. Proof, Notice to Bidders, Bid No. 05-12
- e. Proof, Notice to Bidders, Bid No. 05-14
- f. Proof, Notice to Bidders, Bid No. 05-15
- g. Proof, Notice to Bidders, Bid No. 05-17
- h. Proof, Notice to Bidders, Bid No. 05-18
- i. Proof, Notice to Bidders, Bid No. 05-21
- j. Proof, Notice to Bidders, Bid No. 05-23
- k. Proof, Notice to Bidders, Bid No. 05-24
- l. Proof, Notice to Bidders, Bid No. 05-25
- m. Proof, Notice to Bidders, Bid No. 05-26
- n. Proof, Notice to Bidders, Bid No. 05-27
- o. Proof, Notice to Bidders, Bid No. 05-28
- p. Proof, Notice to Bidders, Bid No. 05-29
- q. Proof, Notice to Bidders, Bid No. 05-31
- r. Proof, Notice to Bidders, Bid No. 05-35
- s. Proof, Notice to Bidders, Bid No. 05-36
- t. Proof, Notice of Meeting, St. Johns County Evaluation Team for the Request for Qualifications No. 04-112, November 4, 2004 at 9:00 a.m.
- u. Proof, Notice of Meeting, Value Adjustment Board of St. Johns County, Florida, Tuesday, October 19, 2004 at 11:00 a.m.
- v. Proof, Notice of Meeting, Town Meeting, District 2 County Commissioner Karen Stern, Tuesday, October 19, 2004 from 6:00 p.m. to 8:00 p.m.
- w. Proof, Notice of Canceled Meeting, St. Johns County Water & Sewer Authority, Tuesday, November 9, 2004 at 9:00 a.m.
- x. Proof, Notice of Hearing, St. Johns County Legislative Delegation, Tuesday, November 23, 2004 at 4:00 p.m.
- y. Proof, Notice of Intent, Submission to the Legislature of the State of Florida a Draft Codified Charter pertaining to the Ponte Vedra Zoning District no later than December 1, 2004
- z. Proof, Notice of Special Meeting, Settlement Negotiation, St. Johns County Board of County Commissioners, Wednesday, November 17, 2004 at 8:00 a.m.
- aa. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC

- bb. Proof, Certificate of Liability Insurance, Certified Air Contractors, Inc.
- cc. Proof, Certificate of Liability Insurance, Seaboard Waste Systems, Inc.
- dd. Proof, Certificate of Liability Insurance, Professional Employer Plans
- ee. Proof, Certificate of Liability Insurance, brooks Air Systems, Inc.
- ff. Proof, Certificate of Liability Insurance, Strategic Communications services, Inc.
- gg. Proof, Certificate of Liability Insurance, Sun Coast Class Protection, Inc.
- hh. Proof, Certificate of Liability Insurance, Flagler Community Pharmacy, Inc.
- ii. Proof, Certificate of Liability Insurance, Family Counseling Services

(12/15/04 - 6 - 9:11 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams added Item #A1, CR 2209, North South Corridor to the Regular Agenda.

(12/15/04 - 6 - 9:11 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Stern, seconded by Stevenson, carried 4/0, with Bryant absent, to approve the Regular Agenda.

(12/15/04 - 6 - 9:14 a.m.)

A1. CR 2209 (NORTH SOUTH CORRIDOR) CONSERVATION EASEMENT IMPACTS AND ACTIONS REQUEST TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO FILE AN ADMINISTRATIVE APPEAL OF THE GOODMAN PROPERTIES, INC. PERMIT, APPLICATION #4-031-17237-4, UNDER THE PROVISIONS OF CHAPTER 120, FLORIDA STATUTES

Joe Stephenson, Public Works Director, explained that the St. Johns Water Management District (SJRWMD) had advertised their intent to issue a permit to the Freedom Commerce Center, which involved a piece of land in St. Johns County to be used as mitigation. He stated that this request affected the central section of the proposed C.R. 2209 road. He explained that the county had begun negotiations with the property owner and SJRWMD to obtain access to the parcel and that to date the negotiations had been unsuccessful. He asked the Board to allow the County to file an appeal of the SJRWMD's permit to create the conservation easement over the parcel and explained that the County wanted to be able to acquire the land, and obtain authorization to use the land without the ramifications of a permit in the area where the road traverses the parcel. (9:17 a.m.) Stern spoke in support of the request. (9:18 a.m.) **Motion by Stern, seconded by Stevenson, carried 4/0, with Bryant absent, to authorize the County Administrator or his designee to file an Administrative Appeal of the Goodman Properties, Inc. permit, Application #4-031-17237-4, under the provisions of the Chapter 120, Florida Statutes.**

(12/15/04 - 6 - 9:19 a.m.)

1. PUBLIC HEARING - REZ 2004-19 COPE HOMES, INC. - THIS REQUEST SEEKS TO REZONE 2.7 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI). THE APPLICANT DOES NOT HAVE A SPECIFIC PLAN OF DEVELOPMENT AT THIS TIME BUT DESIRES CI IN ORDER TO HAVE OUTSIDE STORAGE. IN ADDITION THE APPLICANT HAS STATED THAT THE REZONING WILL ALLOW THE COMPLETION OF AN EXISTING 4,460 SQUARE FOOT BUILDING ON THE SITE AND TO ALLOW CONSTRUCTION OF A NEW 4,000 SQUARE FOOT BUILDING ON THE SITE AS WELL. THE PARCEL IS LOCATED ON THE NORTH SIDE OF S.R. 207, JUST 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 IS AVAILABLE FROM ST. JOHNS COUNTY UTILITIES AND THE COUNTY HAS CONFIRMED THAT THEY CAN PROVIDE THESE SERVICES. ADJACENT ZONINGS ARE OPEN RURAL (OR). AN EXISTING TOWING BUSINESS IS LOCATED ADJACENT TO THE EAST SIDE OF THE PARCEL AND A 60 FOOT WIDE ACCESS EASEMENT IS LOCATED ADJACENT TO THE WEST SIDE OF THE PARCEL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR NOVEMBER 18, 2004 MEETING

Proof of publication for the Notice of Public Hearing on REZ 2004-19, Cope Homes, was received, having been published in *The St. Augustine Record* on November 29, 2004.

Bruce Ford, Chief Planner, stated that he had no changes to the item. (9:20 a.m.) Maguire noted that there were no objections from staff and that the PZA had approved the request with a vote of 6/0.

(10:20 a.m.) Wayne, Cope, Cope Homes Inc., applicant, stated that he was available to answer any questions the Board might have about the project. (9:32 a.m.) **Motion by Stern, seconded by Rich, carried 4/0, with Bryant absent, to enact Ordinance No. 2004-113, known as REZ 2004-19 Cope Homes, Inc., adopting Findings of Fact 1-4, to support the motion.**

ORDINANCE NO. 2004-113

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

(12/15/04 - 7 - 9:21 a.m.)

2. PUBLIC HEARING - REZ 2004-24 PARTS DIRECT - THIS REQUEST SEEKS TO REZONE 1.0 ACRES FROM COMMERCIAL GENERAL (CG) AND RESIDENTIAL SINGLE FAMILY 3 (RS-3) TO COMMERCIAL INTENSIVE (CI) FOR A PARTS STORE AND MAINTENANCE. THE PARCEL IS LOCATED ON THE EAST SIDE OF U.S. 1 APPROXIMATELY 1/2 MILE NORTH OF LEWIS SPEEDWAY AND IS IN THE AIRPORT DISTRICT 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 COMMERCIAL GENERAL (CG), INDUSTRIAL WAREHOUSING (IW) AND RESIDENTIAL SINGLE FAMILY (RS-3). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR NOVEMBER 4, 2004 MEETING

Proof of publication for the Notice of Public Hearing on REZ 2004-24, Parts Direct, was received, having been published in *The St. Augustine Record* on November 29, 2004.

Bruce Ford, Chief Planner, said that this rezoning request was located within the Airport Overlay Land Use and required approval from the Airport Authority prior to being presented to the Board and that the Airport Authority had granted their approval.

(9:22 a.m.) Bob Morgan, RGM Engineering, 1930 Wildwood Drive, said that he was available to answer any questions the Board might have. (9:22 a.m.) **Motion by Rich, seconded by Stern, carried 4/0, with Bryant absent, to enact Ordinance No. 2004-114, known as REZ 2004-024 Parts Direct, adopting Findings of Fact 1-4, to support the motion.**

ORDINANCE NO. 2004-114

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) AND SINGLE FAMILY RESIDENTIAL 3 (RS-3) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(12/15/04 - 8 - 9:23 a.m.)

3. PUBLIC HEARING - REZ 2004-12 ASHTON REZONING - THIS REQUEST SEEKS TO REZONE .66 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) FOR AN UNDECIDED COMMERCIAL USE. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 16 APPROXIMATELY 1 1/2 MILES EAST OF INTERSTATE 95 AND IS IN THE MIXED USE LAND USE DISTRICT AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. ST. JOHNS COUNTY UTILITY WILL PROVIDE CENTRAL WATER AND SEWER. ADJACENT ZONINGS ARE OPEN RURAL (OR) AND INDUSTRIAL WAREHOUSING (IW). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 4 TO 2 AT THEIR NOVEMBER 4, 2004 MEETING. THE REASON FOR THE TWO NO VOTES WAS THAT NO SPECIFIC USES WERE PROPOSED FOR THE PARCEL OTHER THAN GENERAL RETAIL AND NO NEED AND JUSTIFICATION WAS PROVIDED BY THE APPLICANT

Proof of publication for the Notice of Public Hearing on REZ 2004-12, Ashton Homes, was received, having been published in *The St. Augustine Record* on November 29, 2004.

Bruce Ford, Chief Planner, announced that there were no changes to this item. (9:24 a.m.) Maguire stated that the Planning and Zoning Agency (PZA) had approved it with a 4/2 vote.

(9:24 a.m.) Patrick McCormack, Assistant County Attorney, reviewed the PZA findings and explained that the two votes in opposition to the project were because no specific uses were proposed for the parcel other than General Retail and that the applicant had not provided need or justification and that an applicant was not required to give a specific use for the property. (9:25 a.m.) Maguire clarified that the two PZA votes in opposition of the request should not have been based solely on this lack of information and McCormack answered that if that was a final decision by the PZA it would be difficult to defend. (9:26 a.m.) Rich asked for specific information regarding the issues of need and justification of the request and McCormack explained that the applicant's request had to be consistent with the Comprehensive Plan and compatible with the surrounding use and that there should be some reason for the rezoning. (9:27 a.m.) Maguire confirmed that the rezoning request complied with the Comprehensive Plan and McCormack concurred.

(9:28 a.m.) Marian Ashton, 3503 Harbor Drive, stated that she sought rezoning so that she could have retail businesses at some later date. (9:29 a.m.) **Motion by Stern,**

seconded by Rich, carried 4/0, with Bryant absent, to enact Ordinance No. 2004-115, known as REZ 2004-12 Ashton Rezoning, adopting Findings of Fact 1-4, to support the motion.

ORDINANCE NO. 2004-115

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

(12/15/04 - 9 - 9:30 a.m.)

4. CONSIDER ADOPTING A RESOLUTION APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR CONSTRUCTION OF A ST. JOHNS COUNTY UTILITY DEPARTMENT OPERATIONS FACILITY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY TO CLOSE AND COMPLETE THE PURCHASE IN ACCORDANCE WITH SECTION 125.355 FLORIDA STATUTES

Mary Ann Blount, Land Management Director, explained that the owner of approximately fourteen acres located on Inman Road, east of I-95 off of State Road 16 had presented a purchase and sale agreement to the County offering to sell to the acreage to the County for 1.5 million dollars that would be used to construct the St. Johns County Utility Department Operations Facility and would provide a central location for easy access to all areas of the county. She stated that the existing facility, located on Anastasia Island did not provide adequate access to all customers and remains vulnerable to hurricanes and tropical storm events. (9:32 a.m.) **Motion by Stevenson, seconded by Stern, carried 4/0, with Bryant absent, to adopt Resolution No. 2004-372 approving the terms of a Purchase and Sale Agreement for the acquisition of property for construction of a St. Johns County Utility Department Operations Facility and authorizing the County Administrator to execute the Purchase and Sale Agreement and take all action necessary to close and complete the purchase in accordance with Section 125.355 Florida Statutes.**

RESOLUTION NO. 2004-372

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR CONSTRUCTION OF A ST. JOHNS COUNTY UTILITY DEPARTMENT OPERATIONS FACILITY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND TAKE ALL ACTION NECESSARY IN ORDER TO CLOSE AND COMPLETE THE PURCHASE IN ACCORDANCE WITH SECTION 125.355, FLORIDA STATUTES

(12/10/04 - 9 - 9:41 a.m.)

5. CONSIDER CHANGE ORDER FOR EXCELSIOR CULTURAL ARTS MUSEUM AND SERVICE CENTER

Mike Ruben, Construction Services Manager, explained that due to code related issues and conditions additional work was required for the Excelsior Cultural Arts Museum and Service Center. (9:43 a.m.) Rich asked how much money had been spent on the project to date and Ruben answered \$352,000. Rich asked if those monies had received any kind of independent audit and Ruben answered that it had not been audited by outside sources but that the County Finance Department had been handling the transactions. (9:44 a.m.) Maguire expressed his concerned with ownership of the building and asked for a consensus of the Board to authorize the County Administrator to proceed with talks with the State of Florida to acquire the deed to the property for the County and the Board gave a consensus. (9:47 a.m.) **Motion by Stern, seconded by Stevenson, carried 4/0, with Bryant absent, to move \$138,543 from General Fund 0001-0083-59200 to 0038-56300 Excelsior.** (9:48 a.m.) **Motion by Rich, seconded by Stern, carried 4/0, with Bryant absent, to approve a change order to Diversified Development in the amount of \$116,946.46 and change order to Walter O'Kon in the amount of \$4,700.00.**

(12/10/04 - 10 - 9: 35 a.m.)

6. **CONSIDER ST. JOHNS COUNTY ENERGY SAVINGS PROJECT CHANGE ORDER AND LEASE AMENDMENT**

Gene Burns, Facilities Maintenance Manager, explained the potential for additional energy savings relating to a conservation project at the Criminal Justice Center and the opportunity to achieve the same savings at the Ponte Vedra Annex and the Judicial Center Complex with the approval of the Board to execute a change order and lease amendment. (9:40 a.m.) **Motion by Stern, seconded by Stevenson, carried 4/0, with Bryant absent, to execute the St. Johns County Project - Change Order #1 and the Energy Savings Guarantee Document (Phase 1 & 2) with FPL's and all related documents necessary for such execution.** (9:40 a.m.) **Motion by Rich, seconded by Stern, carried 4/0, with Bryant absent, to adopt Resolution 2004-373, directing the County Administrator to execute Amendment No. 1 to the agreement with GE Capital Public Finance, Inc. to fund the St. Johns County energy savings project.** (9:41 a.m.) **Motion by Stevenson, seconded by Rich, carried 4/0, with Bryant absent, to approve the transfer of \$15,118 from General Fund Reserve to the GE Capital Debt Service Fund.**

RESOLUTION NO. 2004-373

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION BY THE COUNTY ADMINISTRATOR OF AN AMENDMENT TO THE LOAN AGREEMENT WITH G.E. CAPITAL PUBLIC FINANCE, INC., FOR THE ACCOMPLISHMENT OF AN ENERGY SAVING PROJECT AT THE COUNTY JUDICIAL CENTER COMPLEX

(12/15/04 - 10 - 9:49 a.m.)

7. **DISCUSSION OF PROPOSED FUNDING SOURCE FOR RECREATIONAL FACILITIES AT CALVIN PEETE PARK**

Dan Weimer, Director of Recreation and Parks, introduced Shorty Robbins who announced that St. Johns County had received the reimbursement check for Fort Mose.

(9:52 a.m.) Fred Halback, Halback Design Group, reviewed the proposed Community Center and Park Program and Facilities.

(9:58 a.m.) Tom Crawford, Director of Housing and Community Services, explained the proposed funding source for recreational facilities at Calvin Peete Park and requested the Board's direction to proceed with developing the facility and directing the identification and creation of a specific funding mechanism for construction operations.

(10:02 a.m.) Stern spoke in favor of the project. (10:03 a.m.) Rich mentioned that the property was leased and questioned the logic of paying for capital improvements to property not owned by the County and Weimer answered that the property was owned by Florida Memorial College. Bosanko explained improvements would revert to the owner at the end of the lease. Rich asked if the lease agreement had a back out clause for the owner and Weimer answered that it did. Weimer explained that he was merely asking the Board for direction on how to proceed and that St. Johns County would review the lease and discuss other options with the college. (10:04 a.m.) A discussion relating to the lease, the back out clause in the lease and the liability issues regarding public pools ensued. Weimer said that Staff would bring their findings back to the Board. (10:09 a.m.) Maguire said that consensus of the Board was to proceed.

(10:10 a.m.) Steve Crooms, 936 Ervin Street, Chairman West Augustine Steering Committee, supported the proposed Community Center and Facilities.

(10:13 a.m.) Greg White, 905 West Pearl Street, spoke in favor of the proposed Community Center and Facilities.

(12/15/04 - 11 - 10:14 a.m.)

7a. MOTION TO ADOPT A RESOLUTION AUTHORIZING THE CHAIR TO APPROVE AND ADOPT THE CITY/COUNTY INTERLOCAL AGREEMENT TO ADMINISTER WEST AUGUSTINE SEWER CONSTRUCTION AND ELIMINATE FAILING SEPTIC SYSTEMS

Tom Crawford, Director of Housing and Community Services introduced Benjamin Coney, Housing and Community Services, who then explained the need for an Interlocal Agreement between the City and County for the administration of a grant that would provide sewer service to the West Augustine area of the county. He stated that an Interlocal Agreement was necessary because the County-owned property was located within the City of St. Augustine Utility Service area. He said that there was a current Interlocal Agreement for the federal portion of the project and that a continuing Interlocal Agreement was needed for the state funded portion of the project. He said that the Chairman had pulled the item because of the 25% surcharge implemented by the City for providing services outside of the City limits. He stated that the residents supported a discussion about the 25% surcharge imposed by the City to the residents, but the project was scheduled for completion in February of 2005 and that the project had been delayed due to hurricanes and construction costs and that if the Interlocal Agreement were passed today the project would begin in February 2005. He said that the current Interlocal Agreement with the Environmental Protection Agency was set to expire in September 2005 and that the project was necessary for public safety, to assist in providing affordable housing, and economic development. He stated that the project had been funded, planned, designed, engineered, been bid and was ready to go forward and requested Board support of the resolution and to continue discussions with the City regarding the surcharges. (10:18 a.m.) Maguire asserted that the City needed to remove the 25% surcharge and asked the Board to agree to negotiate with the city to remove the surcharge in the West Augustine area. (10:19 a.m.) Stern concurred and mentioned meeting with the Mayor of the city of St. Augustine a few months ago and stated that he indicated a willingness to negotiate. (10:20 a.m.) Stevenson spoke in support of the project and about the progress being made in the West Augustine area and Stern concurred. (10:22 a.m.) Coney stated that the project served the Calvin Peete area.

Adams said that the City Manager had indicated a willingness to discuss the waiver of the surcharge.

(10:23 a.m.) Sidney F. Ansbacher, Esquire, Upchurch, Bailey and Upchurch, 780 North Ponce De Leon Boulevard, General Council to the West Augustine Redevelopment Agency (CRA said that the CRA was in favor of the Community Center and waiver of the 25% surcharge. He explained that they had had preliminary discussions with Commissioners, the City Attorney and Bill Harriss about the 25% surcharge issue and asserted that there was a basis for relief on the 25% surcharge under the Fair Housing Act. He stated that the average household income in the area was less than \$17,000 and those residents were paying the highest utility costs in the county. He offered his assistance in furthering the issue and thanked the Board for their support. (10:24 a.m.) **Motion by Stern, seconded by Stevenson, carried 4/0, with Bryant absent, to adopt Resolution No. 2004-374 authorizing the Chair to approve and adopt the City/County Interlocal Agreement to administer West Augustine sewer construction and eliminate failing septic systems.**

RESOLUTION NO. 2004-374

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND THE CITY OF ST. AUGUSTINE, FLORIDA, FOR THE THIRD PHASE OF THE CENTRAL SEWER LINE EXTENSION PROJECT IN THE WEST AUGUSTINE AREA OF THE COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(12/12/04 - 12 - 10:25 a.m.)

8. CONSIDER APPOINTMENTS TO THE PLANNING & ZONING AGENCY

Melissa Lundquist, Administrative Coordinator, explained that there were two vacancies on the PZA due to a member's term expiring and one member being dismissed. (10:25 a.m.) **Motion by Stern, seconded by Maguire, carried 3/1, with Rich opposed and Bryant absent, to appoint Cheryl Robitzsch to the Planning & Zoning Agency for partial four-year term scheduled to expire December 1, 2008.**

(10:26 a.m.) *Motion by Stevenson, motion failed for lack of a second, to appoint David Levy to the Planning & Zoning Agency for a full four-year term scheduled to expire December 1, 2006.*

(10:28 a.m.) *Motion by Maguire, seconded by Stern, with Rich and Stevenson opposed, motion died for lack of a majority, to appoint Michael Pickering to the Planning & Zoning Agency for a full four-year term scheduled to expire December 1, 2004.*

(10:28 a.m.) **Motion by Stern, seconded by Maguire, carried 4/0, with Bryant absent, to appoint Fred Ayres to the Planning & Zoning Agency for a full four-year term scheduled to expire December 1, 2008.**

(12/15/04 -12 - 10:29 a.m.)

9. CONSIDER RESCINDING HEALTH & HUMAN SERVICES ADVISORY COUNCIL APPOINTMENT

Melissa Lundquist, Administrative Coordinator, explained that the Board had appointed Mr. Jason Barrett to the Health & Human Services Advisory Council Board and after the appointment had been made, Staff realized that the appointment violated County Resolution 98-85 that states "No employee, board member, officer or consultant to a contracted agency receiving County funds for Health, Mental Health, Substance Abuse or Social Services Programs shall be a member of the Health & Services Advisory Council". She stated that Barrett was Vice President of Flagler Hospital and asked the Board to decide whether to rescind or not rescind his appointment. (10:30 a.m.) **Motion by Maguire, seconded by Stern, carried 4/0, with Bryant absent, to rescind the appointment of Jason Barrett to the Health & Human Services Advisory Council.** Lundquist announced that there were two vacancies on the Council and that they would be advertised and brought before the Board at a later date.

The meeting recessed at 10:31 a.m. and reconvened at 10:49 a.m.

(12/15/04 - 13 - 10:50 a.m.)

10. CONSIDERATION OF POSSIBLE COUNTY ACQUISITION OF ST. JOHNS SERVICE COMPANY

Michael Hunt, Deputy County Attorney, explained that the purpose of the item was to discuss whether the County wishes to continue the County's due diligence associated with St. Johns Service Company's offer to sell certain water and waste water assets. He explained that if the County wished to continue its due diligence, then it would be advisable and necessary for PBS&J to complete its valuation study. He explained that if the Board decided to go forward with the study they would be able to set a hearing date, which is required by Section 125.3401 of the Florida Statutes for the public hearing on a possible acquisition. (10:51 a.m.) Maguire clarified that the Board was not approving a contract or proposing a contract but was deciding whether or not to continue to the next step, which was a 125.3401 hearing.

(10:51 a.m.) Peter Donnelly, 6561 Commodore Drive, spoke in opposition of the acquisition.

(10:57 a.m.) Victor Martinelli, 24 Carriage Lane, addressed the Board as a private citizen and spoke in opposition of the acquisition.

(10:59 a.m.) Tina McGough, 120 South Bend Drive, on behalf of the Sawgrass Players Club Board announced that petitions were being circulated to the residents and that an overwhelming majority of residents were against the sale of the utility. She read comments from Sawgrass residents (Exhibit A) who were opposed to acquiring the utility.

(11:03 a.m.) Walter Rohrer, 2315 Clubview Court, (Exhibit B) spoke in opposition to the acquisition of the utility.

(11:06 a.m.) Mike Twomey, P.O. Box 5256, spoke on behalf of Marsh Landing, Sawgrass Players Club, Sawgrass Association and Seaside Homeowners Association who were opposed to pursuing the Section 125.3401 public interest hearing and requested no further action towards the acquisition of the St. Johns Service Company utility by St. Johns County. He stated that an additional valuation study was an unnecessary expenditure and requested the Board to cease. He said that if the Board decided to go forward they should await further due diligence in the form of letting the Water and Sewer Authority audit the company's 2003 Annual Report. He informed the Board that he had written a letter to the Chairman of the Water and Sewer Authority requesting that they audit and investigate the reasonable expenses of the St. Johns Service Company's executive compensation and the contractual costs. He mentioned that the utility rates would eventually need to be blended and that his clients would rise above

the additional cost of service as a result of the purchase price of the utility and that the rates would be excessive. He said if the Board decided to go forward with analyzing the purchase of the utility he would request that the Board send the case to an Administrative Hearing Officer or a lawyer experienced in these matters, which would take the pressure off the Board to judge the complicated financial matters, and valuations and allow a judge to give them a recommended order.

(11:12 a.m.) Dan Bosanko, County Attorney, clarified that the rates would have to be blended over an uncertain period of time. He explained that there would be several factors affecting whether or not the blended rates would cause an increase in rates and that rates could not be determined at this time.

(11:14 a.m.) Stevenson asked for clarification on Twomey's recommendation of an audit of the utility and Twomey answered that a professional would need to examine the numbers contained in the annual report to ascertain whether the executive compensation was reasonable and that the other contractual services should be reviewed. Stevenson asked Twomey if he thought the sellers were disingenuous with their intent to sell the utility and that there was no other market for it and Twomey urged Stevenson to ignore the letter sent by Jacksonville Beach Authority because it did not represent the will of the Jacksonville Beach City Commission. Stevenson asked who paid for the Administrative Hearing process and Twomey answered that St. Johns County would have to pay, but that it would cost no more than the proposed valuation study.

(11:18 a.m.) Richard Thomas, 4322 Palmetto Street, Chairman, St. Johns County Citizens Roundtable, spoke in opposition of the acquisition. He read a resolution by the St. Johns County Civic Round Table Board, into the record: "Therefore, after extensive research and analysis of the proposed purchase of St. Johns Service Company, it is the view of the St. Johns County Civic Roundtable, that given the excessive purchase price, and intended utility rate increases, it is not in the best interest of either the affected homeowners or the County to proceed in any manner with this purchase."

(11:20 a.m.) Fred Owen, 91 San Juan Drive, Unit P2, spoke in opposition to the acquisition of the St. Johns Service Company.

(11:23 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition to the purchase of the utility. She asked that a News4Jax.com article relating to JEA bonuses, be placed in the record. (Exhibit C)

(11:25 a.m.) Tom Manuel 505, Becker Branch Place, spoke in favor of the acquisition for a fair price. He asked the Board to decide whether or not they were in the utility business and if they were not in the business they needed to sell the utility they currently owned and if they were going to be in the utility business the Board needed to look at all potential acquisitions. He asked the Board to evaluate the St. Johns Service Company assets that were included in the proposal. He urged the Board to move toward the 125.3401 hearing and to continue due diligence and stated that he believed the County needed to move towards blended rates because it would be in the best interest of the customers.

(11:29 a.m.) Albert Aftoora, 1211 Creekview Way, addressed the Board as a private citizen and stated that the utility was overpriced and its value on the private market would be six to eight million dollars. He was opposed to the acquisition of the utility.

(11:31 a.m.) Marcy Silkenbaken, 1145 Neck Road spoke in opposition to acquisition of the utility and asked the County to hire an Administrative Hearing Officer if the Board decided to proceed.

(11:33 a.m.) Louise Thrower, 288 Orange Avenue, reviewed an email she had sent regarding the utility, and a News4jax.com article on the Jacksonville Electric Authority's (JEA) bonuses (Exhibit D). She stated that St. Johns County was missing a definite utility action plan delineating the purpose, the projected future acquisitions, including re-purchasing utilities previously sold in usurpation to JEA, financing mechanisms, and requirements. She suggested establishing a written plan first, negating any problems, followed by negotiations.

(11:38 a.m.) Jim McCarthy, 296 Deer Run Drive, urged the Board to move towards a 125.3401 hearing so that all of the issues could be dealt and the Board could make an informed decision.

(11:40 a.m.) Mark Lawson, Special Council for St. Johns Service Company, urged the Board to entertain a motion to set the 125.3401 hearing, which required the Board to only consider certain materials and to conduct a public hearing. He asked the Board to entertain the 125.3401 hearing because the law required it and it would give them the opportunity to have a set of documents on the table, review the information and to direct and authorize Staff to submit to the Board for review at the 125.3401 hearing. He explained that the documents would include an authorizing resolution, purchase and sale agreement, and a summary briefing document, which was standard whenever a public entity acquires utilities in the state. He requested a public hearing on January 5, 2004 or as soon as practicable after that date. He asserted that the objective was to have those interested parties attend a public hearing and discussion.

(11:45 a.m.) Dan Bosanko, County Attorney stated that if the Board directed him to work on the documents he would do so and explained that Staff was proposing to use the report prepared by PBS&J. He explained that the real estate involved in the proposition has only had one appraisal and state law required two appraisals for property over \$500,000 and the 17 acres that had been referred to in other public hearings had never been appraised and it would be essential for the County to have the right to back out of the deal after an environmental report had been reviewed and was unfavorable. (11:48 a.m.) Maguire read the letter he had received from the City of Jacksonville Beach regarding their interest in purchasing the St. Johns Service Company utility (Exhibit E). He stated that as a resident of Sawgrass Players Club he had received the letter requesting that a petition be signed and that he was disappointed with the letter because it contained innuendo's, many theoretical accusations against what the County would do if they acquired the utility and what might happen in terms of rates and other issues if the County acquired the utility and that the letter was not based on anything factual, which reaffirmed to him, that Jacksonville Beach should not be given the opportunity to purchase the utility. He said that all petitions and surveys would be accepted by the Board and requested that they be written fairly, non-prejudicial and based on facts. He discussed the price disparities. He said that that he supported a 125.3401 hearing and agreed with the request for a written County policy regarding utility rate structure and requested that the Utility Director, provide the Board with a presentation relating to a future rate structure. He explained that the County Utility Department had reduced its rates and planned on doing so again in 2005 and that the utility operated very efficiently and affectively and that through its expansion of existing systems and new customers, the utility would continue to reduce rates. He asserted that Young promised to bring the Board a policy statement, which they would discuss and enact and that would set the goals for the future County utility systems. He said that the St. Johns Service Company would be sold to someone regardless of whether or not the County purchased it and that the arguments against anyone buying the system were unrealistic. Maguire asked for a Corporate Resolution from the SJSC directing that the service system to be sold, to have something in writing to prove that the system was on the market and not just a verbal ploy to get the County

to move on the acquisition. He stated that his number one interest in the utility was the price and that owning the countywide water systems was in the County's best interest. (11:59 a.m.) Rich stated that a policy needed to be in place to establish the reasons the county would need to acquire utilities. (12:01 p.m.) Stevenson and Stern spoke on the time and consideration given by Staff and the Board on this issue (12:08 p.m.) Rich said that he believed that a policy was necessary and procedures needed to be in place before any acquisition was considered and therefore would not support a 125.3401 hearing at this time and Stevenson concurred. She requested a public workshop with the Staff, consultants and the St. Johns Service Company be scheduled and Stern concurred. (12:12 p.m.) Maguire directed Adams to work with Young to continue development of the Master Plan and to set up a workshop at the beginning of January to establish guidelines for the County Utility Master Plan. (12:13 p.m.) Rich questioned the justification of making a motion to consider the agreement to purchase a water and wastewater asset without having a master plan in place. (12:13 p.m.) *Motion by Maguire, to direct staff to produce documents that are necessary for a 125 hearing and set a hearing date as required, under Section 1225,3401, Florida Statutes, for purpose of considering an Agreement to Purchase Water and Wastewater Assets from St. Johns Service Company for a price not to exceed \$35,000,000. The motion died for lack of a second.* (12:15 p.m.) Bosanko explained that lack of a second meant that no action would be taken to set a 125.3401 hearing for the acquisition of the utility and that staff would take no further action until further direction from the Board was received. (12:15 p.m.) Stevenson asked Adams what the result of the lack of action was for Staff and the County. Adams answered that he thought that Staff should continue on with the acquisition policy and would return to the Board with additional information in January. He stated that he would take no action relating to the purchase unless the Board directed him to do so. (12:17 p.m.) Lawson asked if the County was deferring and allowing SJSC to speak with Jacksonville Beach Utilities and said that the SJSC required more direction. (12:17 p.m.) Bosanko said that the Board had no authority to give direction to the SJSC. (12:18 p.m.) Lawson said that the SJSC needed know what Staff would be directed to do so that they could interface with Staff and Bosanko answered that Adams was working on a general policy. (12:20 p.m.) Stevenson asked if the SJSC and the County Utility Department would be willing to have a workshop for the purpose of providing information to the public and Maguire asked Adams to set up the workshop.

(12:22 p.m.) Sidney F. Ansbacher, Esquire, 780 North Ponce De Leon Boulevard, addressed the Board on behalf of the potential seller, the St. Johns Service Company (SJSC), respectfully requested that a workshop be scheduled so that information could be freely exchanged and that it be done promptly, so that SJSC could find out if the county was interested in the purchase. (12:24 p.m.) Stevenson asked if she could make the motion to consider going forward on a 125.3401 hearing and Maguire asked Bosanko if that could happen and discussion ensued. (12:25 p.m.) Stevenson withdrew the idea of entertaining the motion. (12:26 a.m.) Ansbacher clarified that a workshop would be scheduled for January 20, 2004 to express to all interested parties of the public what the basis for the pricing was for this particular deal and Stevenson concurred. Ansbacher stated that the Board could resuscitate the 125.3401 hearing, as a matter of policy and that if the 125.3401 were not scheduled during the workshop the SJSC would approach Jacksonville Beach Utilities. Ansbacher reiterated that a 125.3401 hearing would provide a factual explication. (12:30 p.m.) Martinelli asked clarification on the workshops and Maguire clarified that the Board had directed the St. Johns County Utility Department to develop a policy and that a workshop would be scheduled prior to the 20th to review the policy and that there would also be a Rate Structure Workshop scheduled for January 20, 2004 to discuss how the rates are set and to get the pricing information out for the proposed acquisition of SJSC to the public. (12:31 p.m.) Maguire directed the Utility Department and Staff to prepare a policy for presentation at the workshop.

(12/18/04 - 17 - 12:33 p.m.)

11. CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING EXECUTION OF THE HOUSING ASSISTANCE PLAN

(12:33 p.m.) **Motion by Stern, seconded by Rich, carried 4/0, with Bryant absent, to approve Resolution No. 2004-375, authorizing execution of the Housing Assistance Plan by the Chairman of the Board of County Commissioners.**

RESOLUTION NO. 2004-375

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE SELECTION CRITERIA, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A HOUSING ASSISTANCE PLAN (HAP) FOR IMPLEMENTATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROGRAM, AUTHORIZING THE CHAIRMAN TO EXECUTE THE PLAN ON BEHALF OF ST. JOHNS COUNTY

(12:34 p.m.) Maguire recessed the Regular Board of County Commissioners meeting and then reconvened the meeting as the Community Redevelopment Agency.

(12/17/04 - 17 - 12:34 p.m.)

12. CONSIDER ADOPTING A RESOLUTION OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE ISSUANCE OF THE AGENCY'S REDEVELOPMENT REVENUE BOND (FLAGLER ESTATES PROJECT), SERIES 2004, IN A PRINCIPAL AMOUNT NOT EXCEEDING \$1,000,000

Dan Bosanko, County Attorney, explained that Flagler Estates had requested County assistance with the financing for additional roads to be paved. He explained that the County owned the roads and that the Flagler Estates Special District maintained them. He introduced Jean Mangu. (12:37 p.m.) Jean Mangu, Esquire, General Finance Council for St. Johns County, explained the structuring of the documents in concert with the CRA, so that the Flagler Estates Project could get financing for the revenue bond. She explained that the bank would loan the money to the CRA and the taxes acquired within the Flagler Estates CRA would repay the debt. She stated that the District would complete the actual construction of the project and the County, through the CRA, would fund the project. (12:40 p.m.) Stern expressed her support for this item. (12:44 p.m.) Jerry Durchholtz, Flagler Estates Management District, thanked the Staff, Stern, Maguire and Bryant for their support. (12:46 p.m.) **Motion by Stern, seconded by Rich, carried 4/0, with Bryant absent, to approve Resolution No. 2004-3, authorizing the execution of the Housing Assistance Plan by the Chairman of the Board of County Commissioners.**

RESOLUTION NO. 2004-3

A RESOLUTION OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY PROVIDING FOR THE PAVING OF CERTAIN PUBLIC ROADS LOCATED WITHIN THE BOUNDARIES OF THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA AND THE FLAGLER ESTATES ROAD AND WATER CONTROL DISTRICT;

AUTHORIZING THE ISSUANCE BY SAID AGENCY OF NOT EXCEEDING \$1,000,000 IN PRINCIPAL AMOUNT OF A REDEVELOPMENT REVENUE NOTE (FLAGLER ESTATES PROJECT), SERIES 2004, TO FINANCE FOR THE BENEFIT OF SAID DISTRICT THE COST OF SUCH PROJECT AND PAY THE COSTS OF ISSUANCE OF SUCH NOTE; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH NOTE THE TAX INCREMENT REVENUES RECEIVED ANNUALLY BY SAID AGENCY AND DEPOSITED INTO THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA ACCOUNT IN THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TRUST FUND, ALL MONEYS ON DEPOSIT IN AND INVESTMENTS HELD FOR THE CREDIT OF CERTAIN FUNDS CREATED HEREUNDER AND THE EARNINGS ON SUCH INVESTMENTS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDER OF SUCH NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN SAID AGENCY AND SAID DISTRICT; AUTHORIZING A NEGOTIATED SALE OF SUCH NOTE; AWARDED SUCH NOTE TO THE PURCHASER THEREOF; AND PROVIDING AN EFFECTIVE DATE

(12:47 p.m.) Maguire recessed the Community Redevelopment Agency Meeting and reconvened the BCC Regular Meeting

(12/15/04 - 18 - 12:47 p.m.)

13. **CONSIDER ADOPTING A RESOLUTION APPROVING THE ISSUANCE BY ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT REVENUE BOND (FLAGLER ESTATES PROJECT), SERIES 2004, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000**

(12:49 p.m.) **Motion by Rich, seconded by Stern, carried 4/0, with Bryant absent, to adopt Resolution No. 2004-376 approving the issuance by St. Johns County Community Redevelopment Agency of its Redevelopment Revenue Note (Flagler Estates Project), Series 2004, in a principal amount not to exceed \$1,000,000**

(12:50 p.m.) **Motion by Stern, seconded by Rich, carried 4/0, with Bryant absent, to transfer reserve as from acct #1279-59920 the amount of \$30,875 to acct#1279-57200 to pay for the interest of a the Redevelopment Revenue Note (Flagler Estates Project) Series 2004.**

RESOLUTION NO. 2004-376

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY OF ITS REDEVELOPMENT REVENUE NOTE (FLAGLER ESTATES PROJECT), SERIES 2004, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000, FOR THE PURPOSE OF OBTAINING FUNDS FOR THE BENEFIT OF THE FLAGLER ESTATES ROAD AND WATER CONTROL DISTRICT TO FINANCE THE COSTS OF

PAVING CERTAIN PUBLIC ROADS LOCATED WITHIN SAID DISTRICT AND THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA TO BE CONSTRUCTED, OWNED AND MAINTAINED BY SAID DISTRICT; AND PROVIDING AN EFFECTIVE DATE

(12/20/04 - 19 - 12:51 p.m.)
COMMISSIONERS' REPORTS

Commissioner Ben Rich

Rich asked the County Administrator to review of some of the department's policies to make sure that they are all up to snuff, especially in reference to acquisition and other matters of real importance.

(12:52 p.m.)
Commissioner Bruce Maguire

Maguire mentioned Legislative Day coming up during the session in Tallahassee Day.

Maguire announced that he had received a formal request to extend the hours in which alcohol could be served to 2:00 a.m. on the eve of the Super Bowl and asked for Board input. Stern requested Sheriff Shoar 's input on the decision and Rich concurred. Maguire directed Staff to prepare a document so that this item could be added to the January 12, 2005 Agenda for full discussion.

(12:56 p.m.)
Commissioner Karen Stern

Stern asked the board to give a consensus to appoint her as the Legislative Liaison for St. Johns County.

(12:58 p.m.)
Commissioner Cyndi Stevenson

Stevenson asked that a representative from the SJRWMD Board attend the public workshop to help the community start focusing on the importance of planning the water supply on a regional perspective.

(12:59 p.m.)
Commissioner Ben Rich

Rich asked Adams to replace the current indicator system on the Dias. He asked that as the light is punched, a name pops up and that the entries be numbered so that each Commissioner gets a chance to speak.

(12/20/04 - 19 - 1:00 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams requested Board Approval to promote Doug Timms to Finance Director. (1:02 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/0, with Bryant absent, to approve Doug Timms as the St. Johns County Finance Director.**

Adams announced that an Impact Fee Workshop would be held at 9:00 a.m. on January 18, 2004.

(12/15/04 - 20 - 1:02 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko announced that there had been a formal request for an indefinite delay of the Concurrency Appeal Hearing presently set for December 20, 2004. (12:03 p.m.) Motion by Maguire, seconded by Stern, carried 4/0, with Brant absent, to postpone the appeal hearing on December 20, 2004 until a date uncertain.

(12/20/04 - 20 - 1:04 p.m.)
CLERK OF COURT'S REPORT

No report.

(1:04 p.m.) Maguire announced that the Board would meet on December 29, 2004 and that Rich, Stevenson, Bryant and Maguire would be in attendance.

Motion by Rich, seconded by Stern, carried 4/0, with Bryant absent, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 1:05 p.m.

REPORTS:

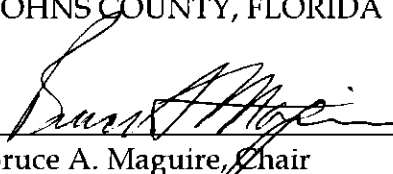
1. St. Johns County Board of County Commissioners Check Register, Check Nos. 360432 through 360536, dated 11/30/04, totaling \$2,280.12
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 360537 through 361105, dated 12/01/04, totaling \$3,957,738.73
3. St. Johns County Board of County Commissioners Check Register, Check No. 361106, dated 12/03/04, totaling \$1,600.00
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 361107 through 361113, dated 12/03/04, totaling \$137,919.49
5. St. Johns County Board of County Commissioners Check Register, Check Nos. 361114 through 361138, dated 12/09/04, totaling \$32,289.78

CORRESPONDENCE:

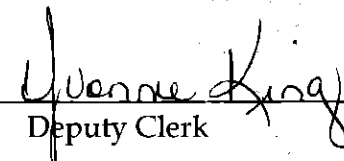
1. Letter dated December 6, 2004, to Liz Cloud, Department of State, Bureau of Administrative Code, filing St. Johns County Ordinance No. 2004-112

Approved _____ January 12 _____, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk