

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JANUARY 12, 2005  
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 A. Maguire, District 4, Chairman  
                              Cyndi Stevenson, District 1  
                              Karen R. Stern, District 2  
                              Ben Rich, District 3  
                              Ben W. Adams, Jr., County Administrator  
                              Michael Hunt, Deputy County Attorney  
                              Diane Gorski, Deputy Clerk

Also present:           Cheryl Strickland, Clerk of Court; Ted Zebrowsky and Scott Clem,  
                              Assistant County Administrators; Patrick McCormack, Assistant  
                              County Attorney

(01/12/05 - 1 - 9:06 a.m.)  
Maguire called the meeting to order.

(01/12/05 - 1 - 9:07 a.m.)  
Stevenson gave the Invocation and Stern led the Pledge of Allegiance.

(01/12/05 - 1 - 9:08 a.m.)  
ROLL CALL

Maguire announced that Stern, Stevenson, and Rich were present and that Bryant would be arriving late.

(9:08 a.m.) Maguire introduced Pamela Bergsma, Founder of the Joey Bergsma Retinoblastoma Foundation who then gave a brief presentation (VHS tape - Exhibit A).

(01/12/05 - 1 - 9:13 a.m.)  
PROCLAMATION DESIGNATING JANUARY 2005 AS RETINOBLASTOMA AWARENESS MONTH

Stevenson read the proclamation and then presented it to Pamela Bergsma who then thanked the Board for recognizing the importance of early the diagnosis of Retinoblastoma to save lives.

(01/12/05 - 1 - 9:16 a.m.)  
PROCLAMATION DESIGNATING JANUARY 16-22, 2005 AS ARBOR WEEK

Rich read the proclamation and then presented it to David Denkins and Greg Dunne. (9:18 a.m.) Denkins thanked Greg Dunne, County Forrester and Chuck Moore St. Johns County Parks and Recreation Director for their leadership. He mentioned that several trees would be planted throughout St. Johns County next week and that the Agricultural Center would be having Chuck Lippey, Certified Arborist, talk about the lessons learned from the hurricanes regarding tree care on Thursday, January 20, 2005

and said that there would also be an oak tree planted and dedicated to all St. Johns County veterans.

(01/12/05 - 2 - 9:20 a.m.)

#### PROCLAMATION DESIGNATING JANUARY 2005 AS JEWISH HISTORY MONTH

Stern invited Rita and Jerry Kass, Rabbi Mark Goldman and Marty Cohen, Temple Bet Yam, Rabbi and Mrs. Samuel Cywiak, Congregation, and Rabbi Ben Yehuda, Beth El to join her while she read the proclamation. She asked Maguire if the County could provide a copy of the proclamation to each Synagogue and Maguire answered yes. Each Rabbi thanked the Board for their recognition.

(01/12/05 - 2 - 9:29 a.m.)

#### ACCEPTANCE OF PROCLAMATIONS

**Motion by Stern, seconded by Rich, carried 4/0, with Bryant absent, to accept all three proclamations.**

(01/12/05 - 2 - 9:29 a.m.)

#### SPECIAL RECOGNITION OF COLONEL ED TAYLOR PRESENTED BY THE VETERANS COUNCIL

Michael Isam, 620 Queen Road, Veterans Council, introduced Tom Waskovich, 784 El Vergel Lane, incoming President of the Veteran's Council who spoke in recognition of Colonel Ed Taylor. He announced that Taylor had been a hero during wartime and that he had made it his duty to look after and care for his troops and that he had also been a leader in peace time, looking after and caring for the returning veterans. He stated that his career had been marked by service to the Country and the Community. He stated that the St. Johns County Veteran's Council wanted to acknowledge Colonel Ed Taylor's leadership, devotion to duty and his service by presenting him with a special plaque. He read the inscription on the plaque aloud. (9:32 a.m.) Colonel Ed Taylor expressed his appreciation for recognition by the Veterans Council and accepted the memento with a great deal of pride. He spoke in support of all veterans. He announced his nomination for a seat on the Board of Veterans of Atomic Blasts. (9:41 a.m.) Rich thanked Taylor for his many years of dedicated service to our Country on behalf of the St. Johns County Board of County Commissioners.

(01/12/05 - 2 - 9:43 a.m.)

#### PUBLIC COMMENT

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Mary Kohnke, 29 South Roscoe Blvd., by request of the Civic Round Table, explained that the County, through the Health and Human Services Department (HHS), paid Flagler Hospital \$365,000 yearly in \$13,750 month increments to pay for the deliveries of babies for women who had no source of money and no health insurance. She explained that there was an average of ten deliveries per year and that Medicaid paid \$1,712 for the exact same service. She asked the Board to review the Grant. She gave a brief history of the Grant and the HHS budgeting process. (9:45 a.m.) Bryant entered the meeting. She asked the Board to pay only for services rendered and requested that the HHS dispense the appropriate funds on a per delivery basis. She asked Adams to start auditing the County's disbursements of all grant monies and to set up criteria for each service and fund. Maguire thanked Kohnke for bringing the matter to the Boards attention. (9:49 a.m.) Maguire thanked Kohnke for her input and said that the County appreciated outside oversight. (9:50 a.m.) Bryant stated that the agreement that the County had with the Public Health Department (PHC) had changed last January and that the PHC no longer had direct purview over the County's Social Service and Mental

Health Department. He stated that the funding in question would be redirected to an appropriate service.

(9:51 a.m.) S.S. Marathe, M.D. spoke on behalf of the Patient Center and Health Network's (PCN) application for Federally Qualified Health Clinic designation at the Hastings Medical Center. He provided information (Exhibit A) related to obtaining the federal grant. He asked the Commissioners to provide a resolution similar to last years.

(01/12/05 - 3 - 9:57 a.m.)  
DELETIONS TO CONSENT AGENDA

Rich asked for an explanation of the term irrevocable licensee and McCormack explained that the reason they were irrevocable was that sometimes entities like FPL and other utilities would request an easement that was a more permanent type thing because they were installing infrastructure and needed assurance from the County that they would not arbitrarily decide to revoke access. He explained that the documents had language in them that clarified that once they are no longer used for the intended purposes, the license would go away.

Adams asked that Consent Item #6 be pulled and rescheduled to a date uncertain, and Hunt requested that Consent Items #10, #11, #12 be pulled and rescheduled to a later date.

(01/12/05 - 3 - 10:00 a.m.)  
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
  - 07/19/04 - Value Adjustment Board Organizational Meeting
  - 10/19/04 - Value Adjustment Board Meeting
  - 12/16/04 - Value Adjustment Board Meeting
  - 11/17/04 - Special/Regular BCC Meeting
  - 12/01/04 - Regular BCC Meeting
  - 12/08/04 - Special/Workshop BCC Meeting
  - 12/15/04 - Regular BCC Meeting
  - 12/29/04 - Regular BCC Meeting
3. Sheriff's Office Bonds:
  - Cancel: Spring L. Case
4. Motion to authorize the County Administrator, or his designee, to enter into contract with BGCO, Inc., in the amount of \$189,408 for the construction of Durbin Creek Boulevard and Race Track Road Intersection Improvements under Bid No. 05-42 (Attachment A)
5. Motion to authorize the County Administrator, or his designee, to enter into contract with BNC, Inc., in the amount of \$457,698 for the construction of Riverdale Park Improvements under Bid No. 04-113R (Attachment B)
6. Motion to adopt a Resolution accepting a Grant of Easement allowing the County joint use of an offsite retention pond for drainage at the intersection of Mura Bella Subdivision entrance road and Pacetti Road

*This item was pulled from the agenda and will be rescheduled at a date uncertain.*

7. Motion to adopt **Resolution No. 2005-01**, granting an Irrevocable License to Florida Power and Light Company for installation of an underground utility line for Cypress Lakes Phase 2A, located on Cypress Lakes Boulevard

**RESOLUTION NO. 2005-01**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN IRREVOCABLE LICENSE TO FLORIDA POWER & LIGHT COMPANY TO INSTALL AN UNDERGROUND UTILITY LINE FOR CYPRESS LAKES PHASE 2A LOCATED ON CYPRESS LINKS BOULEVARD**

8. Motion to adopt **Resolution No. 2005-02**, granting an Irrevocable License Agreement to BellSouth Telecommunication, Inc., for installation of Electronic Equipment, Composite Fiber-Cooper along the rights-of-ways in Cypress Lakes Subdivision

**RESOLUTION NO. 2005-02**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN IRREVOCABLE LICENSE TO BELL SOUTH TELECOMMUNICATIONS, INC. TO INSTALL ELECTRONIC EQUIPMENT CONDUIT AND COMPOSITE FIBER-COPPER ALONG THE RIGHT-OF-WAYS IN CYPRESS LAKES SUBDIVISION**

9. Motion to adopt **Resolution No. 2005-03**, accepting an Easement for Utilities for water service to The Legends at Saint Johns

**RESOLUTION NO. 2005-03**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE TO THE LEGENDS AT SAINT JOHNS SUBDIVISION**

10. Motion to adopt a Resolution approving a Final Plat for Guana Estates at Ponte Vedra Beach

*This item was pulled from the agenda and would be rescheduled to a date uncertain.*

11. Motion to adopt a Resolution approving a Final Plat for Kemps Hideaway

*This item was pulled from the agenda and would be rescheduled to a date uncertain.*

12. Motion to adopt a Resolution approving a Final Plat for Cobblestone Way

*This item was pulled from the agenda and would be rescheduled to a date uncertain.*

13. Motion to adopt **Resolution No. 2005-04**, approving a Final Plat for Palmetto Woods

**RESOLUTION NO. 2005-04**

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

14. Motion to adopt **Resolution No. 2005-05**, naming a driveway Moccasin Creek Lane

**RESOLUTION NO. 2005-05**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, NAMING A DRIVEWAY MOCASSIN CREEK LANE**

(01/12/05 - 5 - 10:00 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant asked that The Florida Department of Children and Families Community Based Care Item, be added to the Regular Agenda as Item 1A.

Adams requested that Item Nos. 4, 6, and 8 be pulled from the Regular Agenda and rescheduled to a date uncertain.

(01/12/05 - 5 - 10:02 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Stern, seconded by Rich, carried 5/0, to approve the Regular Agenda as amended.**

(01/12/05 - 5 - 10:02 a.m.)

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- 1a. **SECOND AMENDMENT TO THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS CONTRACT DJ993 WITH THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES**

Hunt explained changes that the State had made to the contract regarding the different performance criteria that had been instituted since the last contract was adopted in December 2003 and said that the State had also changed their Standard Contract so that the County was no longer required to have a Performance Bond. (10:03 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to adopt Resolution No. 2005-06 authorizing the County Administrator to sign the second amendment to contract DJ993.**

**RESOLUTION NO. 2005-06**

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

(01/12/05 - 6 - 10:06 a.m.)

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1. PRESENTATION OF THE UTILITY DEPARTMENT ACQUISITION POLICY

Maguire explained that this was a Policy Presentation and that Bill Young, Utility Director, was providing a draft policy purely for the purpose of presenting it to the Board and receiving feedback from them. He stated that this item had nothing to do with any other activity and asked anyone planning to speak not to bring up unrelated utility topics. Young presented, for the Board's consideration, a formal policy statement regarding the acquisition of water and wastewater utility systems within the County. He gave an explanation of the historical perspective on the utility acquisition issue. He gave a brief presentation relating to the Master Plan Policy and asked for Board Direction. (10:10 a.m.) Maguire said that he thought the draft was very simple and straightforward and that he had some ideas to share. (10:11 a.m.) Rich said that he had reviewed the policy statement and that he had some extensive changes, additions and deletions to discuss with Young.

(10:12 a.m.) Mary Kohnke, 29 South Roscoe, stated that the policy did not insure that there would be no increase in rates to the citizens. She said that the policy needed to give assurance that there would be no financial harm to the citizens. (10:15 a.m.) Rich said that he was recommending that consideration for acquisition of utility systems could be initiated when a current provider failed to deliver a product that met minimal legal standards or provided substandard service to its consumers or provided a clearly documented justifiable economic acquisition opportunity that would serve the long and short term best interests of the majority of the St. Johns County affected residents. Kohnke said that the County had an obligation to the current customers of any utility that was being considered for acquisition in how their money was being spent.

(10:17 a.m.) Victor Martinelli, 24 Carriage Lane stated that the policy draft was not comprehensive and that the comprehensive plan that existed did not address the issues.

(10:19 a.m.) Walter Rohrer, 2215 Clubview Court said that the draft was a plan to purchase in Ponte Vedra and not a utility policy statement for the County as a whole. He spoke in opposition to the plan.

(10:21 a.m.) Pete Donnelly, 6561 Commodore Drive said that he was a member of the Player's Club Board and that he was representing Tina McGough the Civic Liaison Committee Chairperson. He spoke of the survey (Exhibit A) that had taken place within the Player's Club and said that 97% of the 520 residents that had turned in the survey were opposed to the sale of St. Johns Service Company. (10:23 a.m.) Maguire asked Donnelly to address the policy. He suggested an evidentiary hearing on the matter of acquisition. (10:28 a.m.) Stevenson stated that the Board, in addition to having a policy, had taken steps to indicate that they were committed to being in the utility business. She said that the St. Johns County Utility Operations facility was being moved off the island to a more central location. She said that in Chapter 125, County's were empowered to provide and regulate water usage, collection, disposal and alternative water supplies, including to, but not limited to reclaimed water and water from aquifer storage and recovery and desalination systems and conservation programs. She said that the Board could control where growth occurred and protect resources. (10:30 a.m.) Rich said that the policy, once finalized, would be a clear and comprehensive policy containing clear and precise procedural steps relating to acquisitions.

(10:31 a.m.) Bryant announced the correct Resolution Number for Item 1A was Resolution #2005-06 and mentioned to all new comers that Regular Agenda Items Nos. 4-6-8 had been pulled and would be rescheduled at a later date.

(10:31 a.m.) Robert Huhta, 204 Greencrest Drive said that the policy should be stated in a way that benefits the citizens and then he proposed several changes.

(10:34 a.m.) Clara Cowan, 244 Patrick Mill Circle spoke in opposition to the draft Utility Acquisition Policy and utility acquisitions by the County that would increase customer rates.

(10:36 a.m.) Daniel McDonald, 24501 Deer Trace Drive, reviewed a map of the County and explained which company provided water services to each area (Exhibit B). He spoke in opposition to utility acquisitions by the County.

(10:39 a.m.) Mike Twomey, P.O. Box 5256, Tallahassee said that he was representing the Sawgrass Association, Sawgrass Player's Club, Marsh Landing and the Seaside Board of Directors. He reviewed the draft policy. He requested more consumer input into the acquisition policy. He mentioned that the policy was County-centric and that it did not address consumer rights. He stated that his clients were interested in their own economic and financial benefits and were not concerned with benefiting the majority of the County's utilities customers as a whole and were opposed to blended rates and he requested that they be given more input with the acquisition policy. He said that Policy Goal "D" included the opportunity to provide expansion and capital infrastructure planning consistent with the County's Comprehensive Plan and that Policy Goal "E" was in conflict with "D", which stated that the County would prioritize the acquisition of utility systems in developed, established service territories. He urged the Commission to expand the process to include input from persons throughout the County, specifically those in Ponte Vedra. (10:46 a.m.) Rich asserted that the draft needed to be reworked and said that he would work with Young. (10:47 a.m.) Stevenson asked if there was a conflict between the Board being the rate setting body and then setting a purchase price based on those rates and having that as a County policy. Hunt asked for clarification. Stevenson restated the question. She said that she had received correspondence that indicated that there might be some conflict between the Board being the rate setting body for utilities and setting the purchase price based on the rate setting. Hunt said that the policy being considered at this time was void of the concept of the acquisition of a specific utility. He said that the Board needed to keep a clear vision of what they were doing by setting or considering a policy that dealt with an overall perspective of acquisition for the County, and dealt with all utilities in St. Johns County in the broad context. He explained that the policy needed to deal with the overall concept and not with a specific issue. (10:50 a.m.) Twomey commented that there would be no conflict unless the laws set for regulatory rate setters was ignored. (10:51 a.m.) Stern asked if this item would be brought back to the Board and Maguire answered that it would and then asked Young to meet with each individual Commissioner to obtain their input and to bring the reworked draft back to the Board of County Commissioners meeting on January 26, 2005 and the Board gave a consensus. The meeting recessed at 10:52 a.m. and reconvened at 11:04 a.m.

(11:05 a.m.) Maguire asked for Board consensus to hear Item No. 3 before Item No. 2 and a consensus was given.

(01/12/05 - 7 - 11:17 a.m.)

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2. CONSIDER A MOTION TO APPROVE ALLOCATION OF \$111,501.14 FROM GENERAL FUND RESERVES TO THE ST. JOHNS COUNTY SHERIFF'S OFFICE FOR THE PURPOSE OF PROVIDING SECURITY RELATING TO SUPER BOWL XXXIX

Sheriff David Shoar asked Captain David Christopher to give a brief presentation relating to the plans for the Sheriff's Office during Super Bowl XXXIX week (Exhibit A).

(11:27 a.m.) Shoar explained that additional funding would not be requested at this time but may be needed towards the end of the year. (11:29 a.m.) Bryant assured Shoar that he would support additional funding if necessary and Stern concurred. (11:31 a.m.) Rich gave his support. (11:32a.m.) Maguire requested that a Public Service Announcement regarding Drinking and Driving run on the Government Channel and Shoar stated that the DUI teams would be in full force. (11:33 a.m.) ***(Consensus by the Board to approve allocation of \$111,501.14 from General Fund Reserves to the St. Johns County Sheriff's Office for the purpose of providing security relating to Super Bowl XXXIX.)***

(01/12/05 - 8 - 11:05 a.m.)

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3. CONSIDER A TEMPORARY AMENDMENT TO THE ALCOHOL BEVERAGE ORDINANCE FOR SUPER BOWL XXXIX

Proof of publication of the Notice of Public Hearing regarding alcohol regulations was received, having been published in *The St. Augustine Record* on December 30, 2004.

Patrick McCormack, Assistant County Attorney reviewed the regular hours for the sale of alcoholic beverages in Jacksonville, St. Augustine Beach and the City of St. Augustine (Exhibit A). He asked that the County hours match St. Augustine Beach and the City of St. Augustine for Super Bowl XXXIX. (11:09 a.m.) Maguire expressed concern that residents and guests in St. Johns County would drive to Jacksonville for an additional hour and he did not want people on the road, he asked that the hours be extended until 2:00 a.m. for six days. (11:10 a.m.) Stern stated that she did not support the recommendation and felt that it was unnecessary. (11:12 a.m.) Rich stated that businesses that would serve liquor to the public would be required to make sure that alcohol consumption was reasonable. He did not support a temporary extension for the sale of alcoholic beverages. (11:14 a.m.) Bryant supported the temporary extension for this once in a lifetime event. He stated that the extension, in conjunction with increased security from the Sheriff's Department, would be an acceptable one-time extension. (11:16 a.m.) **Motion by Maguire, seconded by Bryant, with McCormack clarifying that the morning hours would remain the same and that the end time would change to 2:00 a.m. for February 3, 4, 5, 6 and that on Monday February 7, 2005 normal hours would resume, to enact Ordinance 2005-01, carried 3/2, with Stern and Rich opposing.**

ORDINANCE NO. 2005-01

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, TEMPORARILY AMENDING ORDINANCE NO. 90-48, PERTAINING TO THE REGULATION, SALE, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, MALT BEVERAGES, WINES, AND LIQUOR, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE. THIS AMENDMENT TEMPORARILY AMENDS THE HOURS PERTAINING TO SALES, SERVICE, OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES DURING THE GENERAL TIME PERIOD OF NATIONAL FOOTBALL LEAGUE SUPER BOWL XXXIX ACTIVITIES DURING A CERTAIN PERIOD IN FEBRUARY 2005; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE**

4. PUBLIC HEARING - AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 99-61 (THE SHERIFF'S CAREER SERVICE ACT), AND RECREATING A CAREER SERVICE ACT



PERTAINING TO THE ST. JOHNS COUNTY SHERIFF'S OFFICE - THE FLORIDA LEGISLATURE, THROUGH PASSAGE OF HB 3447 (CHAPTER 90-477 LAWS OF FLORIDA) (COPY ATTACHED), DIRECTED THE BOARD OF COUNTY COMMISSIONERS OF ST JOHNS COUNTY TO ENACT SECTIONS 2 THROUGH 16 OF HB 3447 AS A COUNTY ORDINANCE PURSUANT TO 125.01(1)(U), FLORIDA STATUTES. THE LEGISLATURE ALSO DIRECTED THAT THE ORDINANCE ENACTED BE IDENTICAL TO SECTIONS 2 THROUGH 16 OF HB 3447, AND THAT IT BE ENACTED PRIOR TO OCTOBER 01, 1990. AND FINALLY, THE LEGISLATURE DIRECTED THAT ONCE ENACTED AS AN ORDINANCE, THE PROVISION SHOULD ONLY BE REVISED BY THE COUNTY COMMISSION IF REQUESTED BY THE SHERIFF, AND PURSUANT TO THE SHERIFF'S RECOMMENDATIONS. THIS ORDINANCE SHALL SOMETIMES HEREINAFTER BE REFERRED TO AS AN "ACT". IN COMPLIANCE WITH HB 3447 THE BOARD ENACTED ST. JOHNS COUNTY ORDINANCE 90-47 (COPY ATTACHED), WHICH WAS SUBSEQUENTLY REPEALED AND REPLACED BY ORDINANCE 99-61(COPY ATTACHED). THE SHERIFF HAS NOW REQUESTED AND RECOMMENDED THAT THIS ORDINANCE BE ENACTED IN ITS STEAD. THE LANGUAGE HAS BEEN UPDATED FOR HOUSEKEEPING AND TO REFLECT THE CURRENT RANK STRUCTURE/PROMOTIONAL POLICIES OF THE SHERIFF'S DEPARTMENT

*This item was pulled from the Regular Agenda to be rescheduled to a future date.*

(01/12/05 - 9 - 11:33 a.m.)

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5. PUBLIC HEARING - REQUEST TO VACATE ROADS IN GREENFIELD SUBDIVISION - THE SUBJECT OF THIS RESOLUTION IS TO HEAR A REQUEST FOR THE COUNTY TO ABANDON AND SIMULTANEOUSLY CONVEY TO A HOMEOWNER'S ASSOCIATION THE ROADS IN GREENFIELD SUBDIVISION, AS ALLOWED UNDER FLORIDA STATUTE SECTION 316.00825. THE PLAT FOR GREENFIELD WAS RECORDED WITH THE ROADS DEDICATED TO ST. JOHNS COUNTY, ALTHOUGH IT WAS THE DEVELOPER'S INTENT TO HAVE A GATED COMMUNITY. THE ERROR WAS NOT APPARENT UNTIL CONSTRUCTION WAS COMPLETE AND THE APPLICANT SUBMITTED AS-BUILTS. FLORIDA STATUTE SECTION 316.00825 ALLOWS FOR THE COUNTY TO ABANDON ROADS WITHIN A DEVELOPMENT AND SIMULTANEOUSLY CONVEY TO A HOMEOWNER'S ASSOCIATION, IF CERTAIN CONDITIONS AS OUTLINED IN THE STATUTE SECTION HAVE BEEN MET. COUNTY STAFF HAS RECEIVED CONFIRMATION THAT FOUR-FIFTHS OF THE OWNERS OF RECORD HAVE SIGNED IN SUPPORT OF THIS ACTION AND ALL OTHER CONDITIONS AS IMPOSED BY THE STATUTE SECTION HAVE BEEN MET, THEREFORE, STAFF IS RECOMMENDING APPROVAL

Proof of publication of the Notice of Public Hearing in the matter of VACATE GREENFIELD SUB RDS was received, having been published in *The St. Augustine Record* on December 20, 2004.

Kathy Nielsen, Application Review Coordinator stated that she had no additional information to add to the printed material.

**(11:35 a.m.) Motion by Rich, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-07 to abandon and simultaneously convey to the Homeowner's Association the roads in Greenfield Subdivision.**

RESOLUTION NO. 2005-07

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ABANDONING AND CONVEYING CERTAIN ROADS IN THE GREENFIELD SUBDIVISION, AS PROVIDED FOR BY SECTION 316.00825, FLORIDA STATUTES, AS MORE FULLY DESCRIBED BELOW

6. PUBLIC HEARING - PUD 2004-11, ATLANTIC SELF STORAGE - STOKES LANDING ROAD PUD - THIS REQUEST SEEKS TO REZONE 3.06 ACRES OF LAND FROM INDUSTRIAL WAREHOUSE (IW) AND OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW 93,300 SQUARE FEET OF SELF STORAGE WITHIN A 2 STORY BUILDING (48 FEET HIGH) WITH LIMITED OUTSIDE RV/BOAT STORAGE. THE STORAGE BUILDING WILL INCLUDE AN APARTMENT UNIT FOR THE MANAGER OF THE FACILITY. A 7 FOOT RESERVED RIGHT OF WAY WILL BE PROVIDED ADJACENT TO STOKES LANDING ROAD. THE SUBJECT PROPERTY IS SITUATED ON THE EAST SIDE OF U.S. 1 AND IS BORDERED BY STOKES LANDING ROAD ON THE NORTH. ONE ACCESS WILL BE PROVIDED OFF STOKES LANDING ROAD. ST. JOHNS COUNTY UTILITIES WILL PROVIDE WATER AND SEWER SERVICE. THE SUBJECT PROPERTY IS DESIGNATED AS MIXED USE ON THE FUTURE LAND USE MAP. THE PROJECT WILL BE DEVELOPED IN ONE PHASE WITH HORIZONTAL CONSTRUCTION TO BE COMPLETED WITHIN 5 YEARS OF APPROVAL OF THE PUD. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS REZONING REQUEST AT THEIR DECEMBER 2, 2004, HEARING BY A VOTE OF 4/1. REASONS GIVEN FOR THE DENIAL WERE THAT THE USE WAS TOO INTENSE FOR THE SITE AND WOULD BE INCOMPATIBLE WITH THE ADJACENT RESIDENTIAL USES, INCLUDING CONCERNS ABOUT INCREASED TRAFFIC ON STOKES LANDING ROAD, AND EFFECTS OF LIGHTS AND NOISE

*This item was pulled from the Regular Agenda to be rescheduled at a date uncertain.*

(01/12/05 - 10 - 11:35 a.m.)

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7. PUBLIC HEARING - MAJMOD 2004-05, FIORE INDUSTRIAL PARK PUD - THIS IS A REQUEST TO MODIFY THE PUD TEXT AND TO REVISE THE MASTER DEVELOPMENT PLAN MAP TO REFLECT AN ADJUSTMENT IN ALLOWED SQUARE FOOTAGE FROM 195,600 TO 150,000 FOR PHASE I OF THE PUD AND TO ALLOW CERTAIN COMMERCIAL AND RETAIL USES IN ADDITION TO THE LIGHT INDUSTRIAL USES ALREADY ALLOWED. ALLOWED COMMERCIAL USES WILL INCLUDE CERTAIN NEIGHBORHOOD COMMERCIAL AND GENERAL COMMERCIAL USES SUCH AS, BUT NOT LIMITED TO, PROFESSIONAL OFFICE, SPECIALTY RETAIL, RESTAURANTS AND TRAVEL AGENCIES. CERTAIN COMMERCIAL INTENSIVE USES WILL ALSO BE ALLOWED INCLUDING, BUT NOT LIMITED TO, BODY SHOPS, VEHICLE REPAIR, CAR WASH, AND BUILDING SUPPLY CENTERS. ALL ALLOWED USES ARE LISTED IN THE PUD TEXT. THE PENDING CONCURRENCY CERTIFICATE (CONMOD 2004-03) CONVERTS THE EXISTING LIGHT INDUSTRIAL USES TO A BUSINESS PARK CLASSIFICATION, WHICH LIMITS THE PERCENTAGE OF USES TO AN AVERAGE 20-30 PERCENT OFFICE/COMMERCIAL AND 70-80 PERCENT INDUSTRIAL/WAREHOUSING. THE PLANNING AND ZONING AGENCY

RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 3 TO 2 AT THEIR DECEMBER 2, 2004, MEETING. THE TWO NO VOTES WERE DUE TO OBJECTIONS TO THE ORIGINAL REQUEST BY THE APPLICANT TO BUILD THE SIDEWALK ONLY IF C.R. 210 WAS FOUR LANED. AS STATED ABOVE, THE PZA'S MOTION INCLUDED A REVISION TO THE PUD TO REQUIRE THE SIDEWALK TO BE BUILT WITHIN 1 YEAR OF A COUNTY CIP APPROVING THE FOUR LANING OF C.R. 210. THE PUD HAS BEEN REVISED TO ADD THIS LANGUAGE

Proof of publication of the Notice of Public Hearing regarding a Major Modification to the Fiore Industrial Park PUD was received, having been published in *The St. Augustine Record* on December 27, 2004.

(11:35 a.m.) Bruce Ford, Chief Planner stated that he had nothing additional to add to the printed material.

(1:35 a.m.) Greg Cupperman, 20 First Street, stated that he had worked closely with Staff to prepare the request and was available to answer questions. Maguire reminded the Board that all ex-parte communications had to be acknowledged. He questioned the waiver requesting incremental MDP's be submitted for the remaining parcels at the time of construction plan submittal and Ford explained that there was not a specific plan in place for the remaining three undeveloped parcels within Phase I and that the applicant wanted to add additional uses. He asked for clarification on page 3, Exhibit C, Master Development Plan, under Paragraph F, which states that the applicant reserves the right to modify or refile the MDP and asked who would approve the modification. Ford stated that it was in accordance with procedure. Maguire asked for clarification on Page 8, Paragraph 4 and asked if there was a code requirement to build a fence and Ford answered there was not, but that the applicant was offering this. Maguire requested clarification on page 14, Section U, Ownership Agreement, which stated that the applicant hereby agrees to bind the successor, if the successor doesn't agree, who is responsible. McCormack explained that the PUD document could bind the successor if the successor bought the PUD with the language included and would have to abide by what was approved. He clarified a typographical error on page 5, maximum speed of sound column and stated that it should read Pressure DB and explained that the language would be the same in both charts for day and night. Discussion relating to the typo ensued. (11:43 a.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to enact Ordinance 2005-02, known as MAJMOD 2004-05 Fiore Industrial Park PUD adopting Findings of Fact 1-6, to support the motion.**

#### ORDINANCE NO. 2005-02

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE FIORE INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 87-56, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE**

8. PUBLIC HEARING - REZ 2004-31, DR. SHELTON'S VETERINARY CLINIC - THIS REQUEST SEEKS TO REZONE .57 ACRES FROM COMMERCIAL GENERAL TO RURAL COMMERCIAL IN ORDER TO CONVERT THE EXISTING BUILDING AND PROPERTY INTO A VETERINARY CLINIC WITH INSIDE KENNELS ONLY. THE PARCEL IS LOCATED ON THE WEST SIDE OF S.R. 207 JUST WEST OF C.R. 305 IN ELKTON AND IS IN THE RURAL

COMMERCIAL LAND USE AREA AS DEPICTED ON THE FUTURE LAND USE MAP. CURRENTLY THE PARCEL HAS A RESIDENCE AND THE APPLICANT PROPOSES TO CONVERT THIS INTO A VETERINARY CLINIC AND TO CONVERT AN EXISTING 30 X 50 FOOT BUILDING ON THE REAR OF THE PARCEL FOR AN INSIDE KENNEL. THE APPLICANT HAS STATED THAT PER THE LAND DEVELOPMENT CODE, THE KENNEL BUILDING IS SOUNDPROOFED AND HAS SOLID BLOCK WALLS. THE CLINIC WILL BE SERVED BY A WELL AND AN ONSITE SEWAGE DISPOSAL SYSTEM. ADJACENT ZONINGS ARE RESIDENTIAL SINGLE FAMILY (RS-3) AND COMMERCIAL GENERAL (CG). THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS REQUEST BY A VOTE OF 3 TO 2 AT THEIR DECEMBER 2, 2004, MEETING DUE TO CONCERNS THAT THE KENNEL WOULD BE INCOMPATIBLE WITH EXISTING ADJACENT RESIDENTIAL USES TO THE NORTH OF THE PARCEL

*This item was pulled from the Regular Agenda to be rescheduled to a date uncertain.*

(01/12/05 -12 - 11:44 a.m.)

[Click here to listen to the audio for this item.](#)

9. PUBLIC HEARING - PUD 2004-22, WOODLAKE PUD - THIS REQUEST SEEKS TO REZONE 57.3 ACRES OF LAND FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW THE DEVELOPMENT OF A 94 UNIT SINGLE-FAMILY DEVELOPMENT WITH ASSOCIATED RECREATIONAL AMENITIES. THE SUBJECT PROPERTY IS SITUATED OFF OF US 1 SOUTH ABOUT 1/5 MILE NORTH OF STATE ROAD 206. ST. JOHNS COUNTY UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER SERVICE. SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF THE INTERIOR ROADWAY AS SHOWN ON THE MDP. THE PUD WILL CONSTRUCT 2.48 ACRES OF ACTIVE RECREATION AREA, WHICH WILL INCLUDE A CHILDREN'S PLAY AREA AND A SWIMMING POOL. THE PUD WILL ALSO HAVE 17.06 ACRES (30%) OF OPEN SPACE, INCLUDING 9.13 ACRES OF PRESERVED WETLANDS, WHICH EXCEEDS THE MINIMUM 25% OPEN SPACE REQUIREMENT. THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL-B (2 UNITS PER ACRE) AND THE PUD HAS A NET DENSITY OF 1.9 UNITS PER ACRE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR DECEMBER 2, 2004, HEARING BY A VOTE OF 4/1. MR. MANUEL VOTED TO DENY THE PROJECT BASED ON THE PROJECTS WAIVER REQUEST TO INTERCONNECTIVITY TO ADJACENT PROPERTIES

Proof of publication for the Notice of Public Hearing regarding PUD 2004-22, Woodlake PUD, was received, having been published in *The St. Augustine Record* on December 27, 2004.

Lindsey Haga, Planner II, reviewed the item and explained that the PUD included two waiver requests: 1.) Request for an incremental MDP for a single use PUD to allow the applicant to submit, at a later date, the plans for the recreation area and 2.) The request regarding interconnectivity needed to be removed because it was not a requirement. (11:46 a.m.) (Stern clarified that the waiver request to not provide interconnectivity needed to be removed.) Discussion regarding interconnectivity ensued. (11:51 a.m.) Maguire requested that a projected commencement date be identified and asked that the applicants include a project start date.

Karen Taylor, 307 Old Harbor Drive, reviewed the project (Exhibit A). (11:58 a.m.) Rich questioned the shape of the PUD and asked what development was intended on the adjoining property and Taylor answered that the property owner hoped to build a

commercial site. He asked Bob Hahnemann, St. Augustine Development Corp., to clarify lot sizes and asked what type of homes would be built in the development.

(12:00 p.m.) **Motion by Rich, seconded by Stevenson, carried 5/0, to enact Ordinance 2005-03, known as PUD 2004-22 Woodlake PUD adopting Findings of Fact 1-7 to support the motion, to include striking the waiver in reference to interconnectivity.**

#### ORDINANCE NO. 2005-03

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) TO RURAL COMMERCIAL (RC); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(01/12/05 - 13 - 12:03 p.m.)

[Click here to listen to the audio for this item.](#)

10. PUBLIC HEARING - REZ 2004-17, JUSTIN ELLIOT - THIS REQUEST SEEKS TO REZONE 9.8 ACRES FROM RESIDENTIAL-SINGLE FAMILY (RS-E) TO OPEN RURAL (OR) IN ORDER TO OPERATE A WHOLESALE PLANT NURSERY. THE SITE IS LOCATED OFF COUNTY ROAD 208; ACCESS IS PROVIDED THROUGH AN EASEMENT TO THE SITE. THE PROPERTY IS LOCATED IN THE RURAL SILVACULTURE LAND USE DISTRICT, AS DEPICTED ON THE FUTURE LAND USE MAP. THE SUBJECT PROPERTY IS SERVED BY WELL AND SEPTIC. THE SITE IS SURROUNDED BY OPEN RURAL (OR), WITH A SMALL PORTION OF COMMERCIAL GENERAL (CG) TO THE NORTHEAST OF THE PROPERTY. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A UNANIMOUS VOTE AT THEIR DECEMBER 2, 2004, MEETING

Proof of publication for the Notice of Public Hearing regarding REZ 04-17 JUSTIN ELLIOTT was received, having been published in *The St. Augustine Record* on December 27, 2004.

Lindsay Haga, Planner II, gave a brief overview of the request and announced that the Planning and Zoning Agency had given unanimous approval. (12:03 a.m.) Rich asked why they had not requested a Commercial designation and Haga answered that the site had been designated as Rural Silviculture on the Future Land Use Map so the allowable zoning district that could provide for this use was Open Rural.

Sue Elliott, 208 River Plantation Road South, stated that there were no changes to the request.

(12:00 p.m.) **Motion by Stern, seconded by Stevenson, carried 5/0, to enact Ordinance No. 2005-04 known as REZ 2004-17 Justin Elliott, adopting Findings of Fact 1-4 to support the motion.**

#### ORDINANCE NO. 2005-04

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-E) TO OPEN RURAL (OR);

**MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(01/12/05 - 14 - 12:05 p.m.)

[Click here to listen to the audio for this item.](#)

11. PUBLIC HEARING - REZ 2004-29, RACETRACK ROAD - THIS REQUEST SEEKS TO REZONE SIX ACRES FROM OPEN RURAL TO COMMERCIAL GENERAL (CG), IN ORDER TO DEVELOP A COMMERCIAL SHOPPING CENTER WITH COMMERCIAL OUT-PARCELS. THE SITE IS LOCATED IN THE SOUTHEAST CORNER OF THE INTERSECTION OF RACETRACK ROAD AND STATE ROAD 16. 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. THE SUBJECT PROPERTY IS SERVED BY ST. JOHNS COUNTY UTILITIES CENTRAL WATER/SEWER. ADJACENT ZONINGS INCLUDE OPEN RURAL (OR) TO THE WEST, COMMERCIAL HIGHWAY TOURIST (CHT), INDUSTRIAL (IW) AND OPEN RURAL (OR) TO THE NORTH. PROPERTY TO THE EAST IS ZONED COMMERCIAL INTENSIVE (CI), IW, COMMERCIAL GENERAL (CG), AND RESIDENTIAL MOBILE HOME (RMH). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A UNANIMOUS VOTE AT THEIR DECEMBER 2, 2004, MEETING

Proof of publication for the Notice of Public Hearing regarding REZ2004-29, Racetrack Road, was received, having been published in *The St. Augustine Record* on December 27, 2004.

Lindsey Haga, Planner, said that this was a straight rezoning application and that the PZA had voted unanimously to recommend approval.

Karen Taylor, 307 Old Harbor Drive said that she was available to answers questions.

(12:06 p.m.) **Motion by Rich, seconded by Stern, carried 5/0, to enact Ordinance No. 2005-05, known as REZ 2004-29 Racetrack Road, adopting Findings of Fact 1-4 to support the motion.**

**ORDINANCE NO. 2005-05**

**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 GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

The meeting was adjourned at 12:06 p.m. and reconvened at 1:36 p.m. with Maguire, Bryant, Rich, Stevenson, Adams, Hunt, McCormack, and Robin Platt, Deputy Clerk, present. Stern was not yet present.

(01/12/05 - 15 - 1:36 p.m.)

[Click here to listen to the audio for this item.](#)

12. CHAMBER OF COMMERCE QUARTERLY ECONOMIC DEVELOPMENT UPDATE

Jim Browning, 148 River Marsh Dr., Volunteer Chairman of the Economic Development Council, presented the Economic Development Council's first quarter report (Exhibit A, PowerPoint presentation), elaborating on their key performance points. (1:40 p.m.) Stern entered the meeting. Browning gave a demonstration of their newly introduced website, stjohnsbusiness.com. Discussion ensued regarding new leads generated by the Super Bowl and how the County assists new businesses looking to relocate here. (1:55 p.m.) McCormack left the meeting.

(01/12/05 - 15 - 1:55 p.m.)

[Click here to listen to the audio for this item.](#)

13. FOURTH QUARTER UPDATE OF THE ST. JOHNS VISION, INC.

Barbara Spaulding, 702 Gerona Rd., read a statement by John Schwab stating that he would be bringing a Resolution before the Board on January 26th, regarding an amendment to the existing agreement between St. Johns Vision, Inc., and the County. She then presented the St. Johns Vision, Inc.'s, quarterly update (Exhibit A, PowerPoint presentation). (2:06 p.m.) McCormack returned to the meeting. Spaulding announced that their annual meeting would be held May 11, 2005 at 6 p.m. (time tentative) in the County Auditorium.

(2:09 p.m.) Rick Archery, 765 Eagle Point Dr., Treasurer St. Johns Vision, Inc., stated his gratitude for the Board's support and he requested that the Board refer citizen concerns and/or complaints to the Vision committee.

(01/12/05 - 15 - 2:10 p.m.)

[Click here to listen to the audio for this item.](#)

14. CONSIDER AUTHORIZING THE EXECUTION OF THE NATIONAL SCENIC BYWAYS GRANT APPLICATION FOR A1A SCENIC AND HISTORIC COASTAL BYWAY - ENGINEERING AND LANDSCAPE ARCHITECTURAL DRAWINGS, AS WELL AS OBTAINING SURVEYS AND ALL NECESSARY PERMITS

Vickie Renna, Principal Planner, reviewed the history of the grant application. She explained that the next step in the process would be to hire a consultant to prepare engineering and landscape architectural drawings, as well as obtaining surveys and permits for improving certain County parks. The overall cost would be \$405,000, with the County's match being \$81,002. (2:14 p.m.) Discussion ensued regarding time constraints, the grant process, the Board's input in the design of the improvements and the type of commitments, i.e. financial, the County would be making.

**(2:24 p.m.) Motion by Stern, seconded by Stevenson, carried 5/0, to direct the County Administrator to execute the A1A Scenic and Historic Coastal Highway's 2005 National Scenic Byway Grant Application to prepare engineering and landscape architectural plans for various SR A1A improvements within St. Johns County. In addition, direct the County Administrator to authorize the execution of support letters by members of the BCC for the 2005 NSB grant application.**

(01/12/05 - 15 - 2:24p.m.)

[Click here to listen to the audio for this item.](#)

15. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE OF COMMERCIAL PAPER IN THE AMOUNT OF \$1,200,000 FOR THE ST. JOHNS COUNTY MATCH OF THE BEACH RENOURISHMENT PROJECT

Dan Weimer, Director of Parks and Recreation, explained that the Army Corp of Engineers had proposed doing the beach renourishment at St. Augustine Beach one year early. Therefore, some monies would have to be borrowed to cover the associated costs. The total needed was \$1.8 million, 40% of which would be reimbursed by the State [of Florida].

(2:26 p.m.) Motion by Rich, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-8, authorizing the execution and delivery of the loan note, and other related documents, associated with the County's participation in the Pooled Commercial Paper Loan Program of the Florida Local Government Finance Commission and the borrowing of \$1,200,000 to finance the County's beach renourishment project, and an increase from \$15 million to \$30 million in the County's authorized borrowings from the Commission.

#### RESOLUTION NO. 2005-8

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THAT AMENDS AND SUPPLEMENTS ST. JOHNS COUNTY RESOLUTION NOS. 99-138 AND 2001-78; MAKES FINDINGS; PROVIDES DEFINITIONS; APPROVES AN INCREASE FROM \$15,000,000 TO \$30,000,000 IN THE COUNTY'S AUTHORIZED BORROWINGS FROM THE POOLED COMMERCIAL LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION; AUTHORIZES THE COUNTY TO BORROW \$1,200,000 (THE "SIXTH LOAN") FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF SAID COMMISSION; PLEDGES CERTAIN NON-AD VALOREM FUNDS TO THE PAYMENT OF THE SIXTH LOAN; APPROVES THE TERMS AND CONDITIONS OF THE NOTE THAT WILL EVIDENCE THE SIXTH LOAN; AUTHORIZES A NEGOTIATED SALE OF THE SIXTH LOAN NOTE; AUTHORIZES THE EXECUTION AND DELIVERY OF THE SIXTH LOAN NOTE; DIRECTS THE COUNTY ADMINISTRATOR TO ENSURE THAT CERTAIN TASKS ARE PREFORMED; AUTHORIZES THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS; AND PROVIDES AN EFFECTIVE DATE

(2:27 p.m.) Motion by Bryant, seconded by Stern, carried 5/0, to transfer \$1,200,000 from General Fund Reserves (0083-59920) to the Beach Renourishment Fund Improvements Other Than Building (3315-56301).

(2:27 p.m.) Motion by Stern, seconded by Bryant, carried 5/0, to transfer \$656,213 from Recreation Projects Fund Capital Outlay Reserve (3315-59927) to Improvements Other Than Building (3315-56301).

(2:28 p.m.) Motion by Stevenson, seconded by Stern, carried 5/0, to transfer \$153,375 from Recreation Projects Fund Capital Outlay Reserve (3315-59927) to Commercial Paper Fund Principal (2283-57100), Interest (2283-57200), Paying Agent Fees (2283-57300), and Issuance Cost (2283-57301).

(2:28 p.m.) Discussion followed on how the loans would be repaid.



(01/12/05 - 17 - 2:29 p.m.)

[Click here to listen to the audio for this item.](#)

16. SUMMER HAVEN DAMAGE ASSESSMENT AND RESTORATION FROM HURRICANE JEANNE

Joe Stephenson, Public Works Director, introduced Bruce Myhre of PBS&J.

(2:30 p.m.) Bruce Myhre, PBS&J, 866 Summer Bay Dr., reviewed the damage caused by hurricane Jeanne at Summer Haven (Exhibit A, PowerPoint presentation). He explained that 90% of the cost of restoration would be borne by FEMA, 5% by the State [of Florida] and 5% by the County. The total cost to the County would be \$50,000. FEMA funding was anticipated in February 2005 and work would have to be completed before April 15th (the start of marine turtle nesting season). Discussion ensued regarding the frequency of damage to Summer Haven from storms/hurricanes and the long-term options for the area. Stephenson commented that today's focus was for a short-term solution for restoration; long-term options would be discussed at a later time.

(2:47 p.m.) McCormack questioned FEMA's reimbursement commitment. Stephenson replied that construction would not begin without confirmation from FEMA that reimbursement was available. (2:52 p.m.) Deputy Clerk Yvonne King entered the meeting; Robin Platt left the meeting. Discussion followed on the high water mark and erosion on the island.

(2:57 p.m.) David Bowen, 9349 Old A1A, stated that Old A1A was five feet higher than the "new" A1A and therefore acted as protection against the new road being flooded at high tide. He displayed photographs of some of the erosion problems (Exhibit B), and requested that the Board approve this project.

(3:06 p.m.) Mike Sawdai, 9413 Old A1A, commented in favor of the restoration project.

(3:09 p.m.) Peggy Pegg, 9421 Old A1A, commented in favor of the restoration project and relayed some of her experiences during the hurricanes.

(3:15 p.m.) Stern commented that tax assistance was available for hurricane damage victims and she encouraged those present to investigate if they were eligible.

(3:17 p.m.) Gail Hankinson, 9150 Mellon Court, commented in favor of the restoration project and spoke to environmental concerns.

(3:18 p.m.) Stephenson commented that Summer Haven was included in the current beach renourishment feasibility study commissioned by the Board. Rich questioned why FEMA funds were not sought after the last northeaster took the berm away. Stephenson explained that FEMA funds were only available for federally declared emergencies. Discussion followed on the effects of northeasters on the berm.

(3:26 p.m.) *Motion by Rich to have the Director of Public Works, Joe Stephenson, go ahead and submit his FEMA claim and notify us [the Board] when he has approval for the claim to be paid by FEMA.* The motion died for lack of a second.

**(3:32 p.m.) Motion by Stevenson, seconded by Bryant, carried 5/0, to declare that an emergency exists with regards to beach repairs in the Summer Haven area, and to allow the County Administrator, or his designee, to negotiate with and enter into a design/build contract with PBS&J, and to expend the required funds up to a maximum amount of \$1,000,000 County funds contingent on receiving FEMA match or until project completion, whichever occurs first.**

(3:35 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to transfer \$1,000,000 from CTF Capital Outlay Reserves (1131-59927) to TTF Capital Projects (1114-56301).**

The meeting recessed at 3:36 p.m. and reconvened at 3:46 p.m. with Deputy Clerk Robin Platt returning to the meeting.

(01/12/05 - 18 - 3:46 p.m.)

[Click here to listen to the audio for this item.](#)

17. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING A NEW CONTRACT BETWEEN THE COUNTY AND JALA FOR PROVISION OF LEGAL SERVICES TO INDIGENT PERSONS RESIDING WITHIN ST. JOHNS COUNTY

Michael Hunt, Deputy County Attorney, explained that there was an error with the initial contract that was presented to the Board, and the corrected contract was being presented today. He also stated that there was a correction in the fourth "whereas" in the Resolution: the word "City" was being replaced with the word "JALA." In the last sentence of Section 6 of the contract, it should read: "Under such circumstance, neither the County, nor JALA, will have to provide any further form of written notification to the other party."

(3:49 p.m.) **Motion by Rich, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-9, approving the terms, provisions, conditions and requirements of a contract between St. Johns County, Florida, and Jacksonville Area Legal Aid, Inc., which provides for legal services for indigent persons residing within St. Johns County and providing for the replacement and substitution of this contract for a previously approved and executed contract, and authorizing the Chairman to execute this contract on behalf of the County, with the additions and deletions as directed by counsel.**

#### RESOLUTION NO. 2005-9

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS AND REQUIREMENTS OF A CONTRACT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND JACKSONVILLE AREA LEGAL AID, INCORPORATED, WHICH PROVIDES FOR LEGAL AID SERVICES TO INDIGENT PERSONS RESIDING WITHIN ST. JOHNS COUNTY, FLORIDA, AND PROVIDING FOR THE REPLACEMENT AND SUBSTITUTION OF THIS CONTRACT FOR A PREVIOUSLY APPROVED AND EXECUTED CONTRACT, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT ON BEHALF OF ST. JOHNS COUNTY

(01/12/05 - 18 - 3:49 p.m.)

[Click here to listen to the audio for this item.](#)

18. CONSIDER REVISITING ALL APPOINTMENTS TO THE PLANNING AND ZONING AGENCY

Commissioner Ben Rich thanked the present Planning and Zoning Agency members for their professionalism, integrity and dedication. (3:51 p.m.) *Motion by Rich to have Mr. Fred Ayers removed from the Planning and Zoning Agency.* The motion died for lack of a second.

(3:52 p.m.) Maguire recessed the Regular BCC meeting and convened the Community Redevelopment Agency meeting.

(01/12/05 - 19 - 3:52 p.m.)

[Click here to listen to the audio for this item.](#)

19. CONSIDER A MOTION TO ADOPT A RESOLUTION OF THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING AN INTERLOCAL AGREEMENT WITH ST. JOHNS COUNTY, IN CONNECTION WITH THE PAYMENT BY THE AGENCY OF CERTAIN ADMINISTRATIVE AND OVERHEAD EXPENSES OF THE AGENCY THAT ARE ANNUALLY BUDGETED AND PAID BY THE COUNTY

Proof of publication of the notice of public meeting of the St. Johns County CRA was received, having been published in *The St. Augustine Record* on December 31, 2004.

Michael Hunt, Deputy County Attorney, introduced this item.

Jean Mangu, County's General Finance Counsel, explained that the financial relationship between the CRA and the County needed to be formalized with an Interlocal Agreement. (3:54 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to adopt Resolution No. 2005-1, of the St. Johns County Redevelopment Agency authorizing an Interlocal Agreement with St. Johns County, in connection with the payment by the agency of certain administrative and overhead expenses of the agency that are annually budgeted and paid by the County.**

#### RESOLUTION NO. 2005-1

A RESOLUTION OF ST. JOHNS COUNTY REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT WITH ST. JOHNS COUNTY RELATING TO THE PAYMENT OF CERTAIN AGENCY EXPENSES AND OTHER MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE

(3:55 p.m.) Maguire closed the meeting of the Community Redevelopment Agency and reconvened the BCC Regular meeting.

(01/12/05 - 19 - 3:55 p.m.)

[Click here to listen to the audio for this item.](#)

20. CONSIDER A MOTION TO ADOPT A RESOLUTION OF ST. JOHNS COUNTY AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY, IN CONNECTION WITH THE PAYMENT BY THE AGENCY OF CERTAIN ADMINISTRATIVE AND OVERHEAD EXPENSES OF THE AGENCY THAT ARE ANNUALLY BUDGETED AND PAID BY THE COUNTY

Michael Hunt, Deputy County Attorney, introduced this item.

(3:56 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to adopt Resolution No. 2005-10, of St. Johns County, authorizing an Interlocal Agreement with the St. Johns County Redevelopment Agency, in connection with the payment by the agency of certain administrative and overhead expenses of the agency that are annually budgeted and paid by the County.**

RESOLUTION NO. 2005-10

A RESOLUTION OF ST. JOHNS COUNTY  
AUTHORIZING THE EXECUTION AND DELIVERY OF  
AN INTERLOCAL AGREEMENT WITH ST. JOHNS  
COUNTY REDEVELOPMENT AGENCY RELATING TO  
THE PAYMENT OF CERTAIN EXPENSES AND OTHER  
MATTERS; AND PROVIDING AN EFFECTIVE DATE

(01/12/05 - 20 - 3:57 p.m.)

[Click here to listen to the audio for this item.](#)

COMMISSIONERS' REPORTS

Commissioner Bryant

Bryant questioned if there was a way to prevent the issuance of any new building permits in the Summer Haven area, and the possibility of abandoning the road.

(3:59 p.m.) McCormack stated that if the road was a County road the County was obligated to maintain it, however, a court could find that that was impossible to do with the road in Summer Haven. He explained that the County had the authority to abandon or vacate any road, and the options in doing so.

(4:01 p.m.) Stan DeAngelis, Building Department, stated that they have been issuing building permits in Summer Haven, as directed by the County Attorneys Office. Discussion followed on suspending the issuance of permits since the area was declared an emergency and imposing a moratorium.

(4:07 p.m.) Bryant requested that the Board address impact fees expeditiously. Adams responded that the County had not received the complete results of the Impact Fee Study from Dr. Nicholas. Scott Clem, Assistant County Administrator, explained that the study was going to be presented to the Board next Tuesday, with the exception of schools, which were done under a separate contract; discussion followed.

(4:14 p.m.) Bryant handed-out a copy of the Comparison of Uses Allowed Within Zoning Districts (Exhibit A). He suggested amending the Ordinance to allow for veterinary offices, without outside boarding facilities, and enclosed in a sound proof building, in Commercial Neighborhood. *There was a consensus by the Board to direct Staff to look into readdressing the Ordinance.*

(4:17 p.m.)

Commissioner Maguire

Maguire stated that there had been a trailer in the right-of-way on County Road 210 East for about six days. He asked Adams to look into having it removed. James Acosta, Code Enforcement, said that he would notify the Sheriff's Office.

(4:18 p.m.) Maguire suggested having a community-wide clean up day prior to the Super Bowl.

(4:19 p.m.)

Commissioner Stern

Stern commented that she agreed with Commissioner Bryant's comments regarding handling the impact fee issue swiftly. She also thanked Joe Stephenson and James Acosta, and their staffs, for helping the CRAs with their clean up efforts.

(4:21 p.m.)

Commissioner Stevenson

Stevenson reported that she had received many complaints of odor coming from the Julington Creek water plant owned by JEA. She commented on addressing the Nocatee Parkway alignment at the transportation workshop.

(4:23 p.m.) Stevenson reported that there was a meeting scheduled for tomorrow at Switzerland Point Middle School, to be attended by a representative from Congressman Mica's office and representatives from the Chamber of Commerce, to discuss a new postal name designation for the 32259 zip code.

(4:24 p.m.)

Commissioner Rich

Rich requested the County Administrator work with the County Attorney's Office to develop a policy for making appointments to boards and committees.

(4:25 p.m.) Deputy Clerk Yvonne King entered the meeting; Deputy Clerk Robin Platt left the meeting.

(4:25 p.m.) Rich addressed septic tanks being exposed at Summer Haven by hurricanes.

(4:26 p.m.) Rich addressed a request he made to the County Administrator previously, regarding the light system on the podium in the auditorium. Adams responded that staff was currently working on this issue.

(4:27 p.m.) Rich addressed the appointments to the Planning and Zoning Agency. Discussion followed regarding making nominations and appointments to boards and committees.

(4:51 p.m.) Stevenson left the meeting.

(01/12/05 - 21 - 4:52 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board of the two meetings scheduled for next week: Tuesday, January 18, 2005 at 9:00 a.m., regarding impact fees; and Thursday, January 20, 2005 at 9:00 a.m., regarding the acquisition of St. Johns Utilities.

(01/12/05 - 21 - 4:53 p.m.)

COUNTY ATTORNEY'S REPORT

Hunt informed the Board of a document they all needed to sign regarding the item concerning Commercial Pooled Paper on Beach Renourishment, and that it also needed to be notarized.

(4:54 p.m.) McCormack requested the Board assign "Ordinance No. 2005-1" to Agenda Item #3. When it was acted on earlier in the meeting, the motion referenced a resolution instead of an ordinance. *It was the consensus of the Board to assign "Ordinance No. 2005-1" to Agenda Item #3.*

(01/12/05 - 21 - 4:54 p.m.)

CLERK OF COURT'S REPORT

No report.

(01/12/05 - 22 - 4:55 p.m.)

SET DATE FOR THE NEXT BOARD OF COUNTY COMMISSIONERS' MEETING

Maguire announced that the next regular meeting was scheduled for Wednesday, January 26, 2005.

(4:55 p.m.) Motion by Stern, seconded by Bryant, carried 4/0 with Stevenson absent, to adjourn the meeting.

REPORTS:

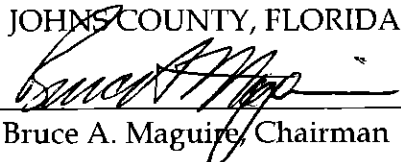
1. St. Johns County Board of County Commissioners' Check Register, Check No. 361639 through 361670, totaling \$47,926.19 (12/22/04)
2. St. Johns County Board of County Commissioners' Check Register, Check No. 361671 through 362158, totaling \$5,820,570.86 (12/29/04)
3. St. Johns County Board of County Commissioners' Check Register, Check No. 362159 through 362164, totaling \$138,932.41 (01/03/05)
4. St. Johns County Board of County Commissioners' Check Register, Check No. 362165 through 362189, totaling \$32,135.80 (01/06/05)

CORRESPONDENCE:

1. Letter from St. Johns River Water Management District, regarding the 2005 Governing Board Meeting Schedule (12/13/04)
2. Letter from Patricia De Grande, Deputy Clerk, St. Johns County, Florida, to Ronald Zimmet, Chief Assistant Public Defender, Seventh Judicial Circuit, regarding an addendum to the Interlocal Agreement between St. Johns County and the Public Defenders' Office (01/07/05)

Approved \_\_\_\_\_ January 26 \_\_\_\_\_, 2005

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

