

NOTE:

Minutes of the February 23, 2005 St. Johns County Board of County Commissioner's Meeting.

The minutes contain links that enable you to listen to the audio for each item.

To listen to the audio of an item in the minutes, click on the blue highlighted date and time that precedes each item.

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 23, 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
 James E. Bryant, District 5, Vice Chair
 Cyndi Stevenson, District 1
 Karen R. Stern, District 2
 Ben Rich, District 3
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, County Attorney
 Michael Hunt, Deputy County Attorney
 Lenora Newsome, Deputy Clerk

(02/23/05 - 1 - 9:01 a.m.)

Maguire called the meeting to order.

Maguire announced that he would not be present for the afternoon meeting, because he would be attending a Florida Transportation Plan Committee meeting in Tallahassee.

(02/23/05 - 1 - 9:01 a.m.)

ROLL CALL

Maguire stated that all five Commissioners were present.

(02/23/05 - 1 - 9:02 a.m.)

Bryant gave the Invocation and Stevenson led the Pledge of Allegiance.

(02/23/05 - 1 - 9:03 a.m.)

SPECIAL RECOGNITION OF THE BOARD OF COUNTY COMMISSIONERS BY THE FLORIDA ASSOCIATION OF COUNTIES, PRESENTED BY KEN MONAHAN

Ken Monahan, Florida Association of Counties, explained the special recognition, and presented a plaque to the Board.

(02/23/05 - 1 - 9:08 a.m.)

DEPARTMENT OF COMMUNITY AFFAIRS' PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS FOR THE FORT MOSE HISTORIC STATE PARK ADDITION

Thaddeus Cohen, Secretary for the Department of Community Affairs, spoke on being a partner on the Fort Mose project and presented St. Johns County with a check for \$1,060,000 to help with the project. Carrie Browder, Florida Parks Service, stated that this was a wonderful opportunity for the community to develop a site that represented diversity and diverse history of St. Augustine and America and thanked everyone for their support. She introduced everyone present; Thomas Jackson, Fort Mose Historical Society Treasurer, Lorenzo Laws, past president for the past three terms of the Fort

Mose Historical Society; and Mildred Williams, member. Adams thanked Mr. Cohen for their outstanding staff in Tallahassee.

(02/23/05 - 2 - 9:13 a.m.)

PUBLIC COMMENT

Ellen Whitmer, 1178 Natures Hammock Road South, spoke on JEA hiking their electric rates.

(02/23/05 - 2 - 9:19 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested to pull Item 9 and place it on the Regular Agenda as Item 15a.

(02/23/05 - 2 - 9:20 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:
01/26/05 - BCC Regular Meeting
3. Sheriff's Bonds:
Cancel: Marleen Lee Joseph Bobbio Theresa Mathis
 John Sands Patrick Asher Charles Thomas
4. Motion to adopt **Resolution No. 2005-42**, approving the terms, provisions, conditions, and requirements of contract for services between St. Johns County, and the Northeast Florida Regional Council for completion of the State Homeland Security Program and authorizing the County Administrator to execute the contract on behalf of St. Johns County

RESOLUTION NO. 2005-42

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF CONTRACT FOR SERVICES BETWEEN ST. JOHNS COUNTY, AND THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL FOR COMPLETION OF THE STATE HOMELAND SECURITY PROGRAM AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT ON BEHALF OF ST. JOHNS COUNTY

5. Motion to adopt **Resolution No. 2005-43**, approving the terms and authorizing the County Administrator to execute a certain Purchase and Sale Agreement needed for improvements to Old Moultrie Road and King Estates Road for a traffic signal

RESOLUTION NO. 2005-43

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT NEEDED FOR IMPROVEMENTS TO OLD MOULTRIE ROAD AND KING ESTATES ROAD FOR A TRAFFIC SIGNAL

6. Motion to adopt **Resolution No. 2005-44**, ratifying the terms, provisions, conditions, and requirements of Software Purchase and License Agreement between St. Johns County Public Library, and Dynix Corporation executed on December 6, 2004, and authorizing the County Administrator to execute on behalf of St. Johns County, the First Amendment to the Software Purchase and License Agreement between St. Johns County, Florida, and Dynix, Corp.

RESOLUTION NO. 2005-44

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RATIFYING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF SOFTWARE PURCHASE AND LICENSE AGREEMENT BETWEEN ST. JOHNS COUNTY PUBLIC LIBRARY AND DYNIX CORPORATION EXECUTED ON DECEMBER 6, 2004, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ON BEHALF OF ST. JOHNS COUNTY, FLORIDA, THE FIRST ADMENDMENT TO THE SOFTWARE PURCHASE AND LICENSE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND DYNIX CORPORATION

7. Motion to adopt **Resolution No. 2005-45**, setting a public hearing for 9:00 a.m. on March 23, 2005, to consider a petition to vacate a portion of Sixth Street

RESOLUTION NO. 2005-45

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO SET A PUBLIC HEARING DATE OF MARCH 23, 2005 AT 9:00 A.M. TO HEAR A REQUEST TO VACATE A PORTION OF SIXTH STREET IN THE HILDEN SUBDIVISION

8. Motion to adopt **Resolution No. 2005-46**, approving a final plat for Whisper Ridge, Unit Five

RESOLUTION NO. 2005-46

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WHISPER RIDGE UNIT FIVE

9. Motion to adopt a Resolution approving a final plat for Kensington, Unit Two

This item was placed on the Regular Agenda as Item 15a.

10. Motion to adopt **Resolution No. 2005-47**, Memorandum of Agreement between St. Johns County, Florida, on behalf of St. Johns County Community Based Care, and Sheriff of St. Johns County, and authorizing the County Administrator to execute the Memorandum of Agreement, on behalf of the County and St. Johns Community Based Care

RESOLUTION NO. 2005-47

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF A MEMORANDUM OF AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF ST. JOHNS COUNTY COMMUNITY BASED CARE, AND SHERIFF OF SAINT JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF AGREEMENT ON BEHALF OF THE COUNTY, AND ST. JOHNS COMMUNITY BASED CARE

11. Motion to adopt **Resolution No. 2005-48**, approving the terms, conditions, provisions, and requirements of a Memorandum of Agreement between St. Johns County, Florida, on behalf of St. Johns County Community Based Care, and Saint Johns County School District, and authorizing the County Administrator to execute the Memorandum of Agreement on behalf of the County, and St. Johns Community Based Care

RESOLUTION NO. 2005-48

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF A MEMORANDUM OF AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF ST. JOHNS COUNTY COMMUNITY BASED CARE, AND SAINT JOHNS COUNTY SCHOOL DISTRICT, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF AGREEMENT ON BEHALF OF THE COUNTY, AND ST. JOHNS COMMUNITY BASED CARE

12. Motion to authorize the County Administrator, or his designee, to lease/purchase 110 electric golf carts with chargers plus two carry all units from the low bidder, EZ GO Textron Company, using the 36-month lease alternate #1 option in Bid No. 05-26 (*Attachment A*)
13. Motion to authorize the County Administrator, or his designee, to enter into contract with Cornerstone Businesses for Bid Item #2 at \$39,748.75 and with RJP Enterprises for Bid Item #4 at \$74,373.00, under project titled FY 2004 Guardrail Improvements under Bid 04-69 (*Attachment B*)
14. Motion to authorize the County Administrator, or his designee, to enter into contract with BNC, Inc., in the amount of \$67,007.00 for the Horse Barn Restoration project at Alpine Groves Park, under Bid No. 05-47 (*Attachment C*)

15. Motion to authorize the County Administrator, or his designee, to purchase 1,000 each Flying Cross Nomex IIIA Uniform Shirts from the responsive low bidder, Harrison Uniform Company, in the amount of \$66,320.00 under Bid No. 05-46R (*Attachment D*)
16. Motion to authorize the County Administrator, or his designee, to purchase one (1) roll-off truck from the responsive low bidder, Freightliner of Tampa, LLC, in the amount of \$84,899.00 (*Attachment E*)
17. Motion to authorize the County Administrator, or his designee, to purchase five (5) 2005 ½ ton pickup trucks from the responsive low bidder, Proctor & Proctor, Inc., in the amount of \$70,889.00 (*Attachment F*)
18. Motion to authorize the County Administrator, or his designee, to enter into contract with BA Wilson Construction, Inc., in the amount of \$1,060,348.00 for project titled Davis Park Utilities Phase I and Phase II, under Bid 04-101 (*Attachment G*)
19. Motion to approve donation of surplus computer equipment to the Hastings Elementary School
20. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 05-46R
 - b. Proof, Notice to Bidders, Bid No. 05-57
 - c. Proof, Notice to Bidders, Bid No. 05-61
 - d. Proof, Notice to Bidders, Bid No. 05-63
 - e. Proof, Notice to Bidders, Bid No. 05-64
 - f. Proof, Notice to Bidders, Bid No. 05-65
 - g. Proof, Notice of Special Meeting, Board of County Commissioners, Thursday, January 20, 2005 at 9:00 a.m.
 - h. Proof, Notice of Special Meeting, Board of County Commissioners, Wednesday, January 26, 2005 at 8:00 a.m.
 - i. Proof, Notice of Meeting, St. Johns County Finance Committee, Wednesday, February 16, 2005 at 9:00 a.m.
 - j. Proof, Certificate of Liability Insurance, Kennico, Inc.
 - k. Proof, Certificate of Liability Insurance, Tri-Cities Services, Inc.
 - l. Proof, Certificate of Liability Insurance, Exceptional Personnel, Inc.
 - m. Proof, Certificate of Liability Insurance, Contract Connection, Inc.
 - n. Proof, Certificate of Liability Insurance, BGCO, Inc.
 - o. Proof, Certificate of Liability Insurance, B.N.C., Inc.
 - p. Proof, Certificate of Liability Insurance, Musco Sports Lighting, LLC

(02/23/05 – 5 – 9:20 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Hunt requested to pull the contract that was currently in place on Item 5 and substitute an extension of the existing contract that the County had with Medical Specialist.

(02/23/05 – 6 – 9:20 a.m.)
APPROVAL OF REGULAR AGENDA

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

(02/23/05 – 6 – 9:21 a.m.)

1. PROPOSED CONTRACT AND PRICE FOR THE COUNTY'S PURCHASE OF ST. JOHNS SERVICE COMPANY, INC.'S, WATER AND WASTEWATER UTILITY SYSTEM

Dan Bosanko, County Attorney, gave a review of the status on the proposed purchase of the St. Johns Service Utility Operation in St. Johns County. He handed in a contract for the record (Exhibit A). Maguire stated that the purpose of today's meeting was for the Board to approve an offer to be made to the seller. Bosanko stated that there were still some differences that needed to be resolved in order to go forward and he reviewed the price and costs to be paid to the seller; the latent defect protection; the defense of the contract; employee retention; and the due diligence review process (Exhibit B). He continued reviewing the title insurance; the mandatory post-closing cooperation; lawsuit protection; the termination clause; and the post-termination transfer. He stated that the issues needed to be resolved before they prepared the final report for the 125 hearing. Rich asked about the contract being a stand-alone purchase, and with the termination clause, if either party, without cause, could back out of the contract. (9:55 a.m.) Bryant left the meeting. Bosanko responded to Rich. Rich asked if there was anything involving a transition team and Bosanko responded. Adams stated that Bill Young had figured it in, to involve a transition team of some sort. Stevenson questioned if this was a commitment prior to the 125 hearing and Bosanko responded. Stern wanted clarification on the price and cost to be paid to the seller. Bosanko responded that the price had been agreed upon, but the connection fee had not. (9:59 a.m.) Bryant returned to the meeting. Stern asked for clarification on different items with Bosanko responding. Bosanko advised the Board to resolve all the issues before the 125 hearing. Maguire clarified that Adams must resolve the issues prior to ten days before the 125 hearing. Adams spoke on having a preferred future for the County, the County having a policy on utility acquisition and buying this utility being the best thing for the County.

(10:10 a.m.) Sid Ansbacher, 780 North Ponce de Leon Blvd., Upchurch, Bailey and Upchurch, representing the seller, stated that they did not have a commitment on the title insurance for the easements yet. He stated that they were close on everything else that was discussed. Maguire commented on how well Staff had handled the issue, the details of the negotiation, control, cost, and representation.

(10:14 a.m.) Ann Crawford, 24237 March Landing Parkway, spoke regarding the purchase of St. Johns Service Company. She spoke on sewer backups, there being three instances in five months, and raw sewage and black water. Bryant stated that he wasn't supporting the price of the purchase, and asked Crawford if she thought the service and the quality was falling below the standards. Crawford replied that the quality and service was inadequate and that she would support the County purchasing St. Johns Service Utility at the right price. Maguire mentioned that the phone call from Crawford and her follow-up with Bill Young, was what prompted the Administrator to insert the bonding issue into the contract. Discussion followed on how many families were affected by the sewer back up issue. John Schwab, Special Projects Manager, spoke on the malfunction of the lift station on September 6, 2004, stating that the problems would be resolved prior to closing. Schwab mentioned that they needed to investigate the reason for the malfunction.

The meeting recessed at 10:33 a.m. and reconvened at 10:43 a.m.

(10:43 a.m.) Gary Burdette, 24315 Moss Creek Lane, spoke on his property and the problems he had with the water and sewer. He stated that many new houses had been added to the area, but there were no upgrades to the water and sewer system.

(10:48 a.m.) Fred Rhoden, 24301 Moss Creek Lane, stated that he lived between Mr. Burdette and Ms. Crawford and spoke on having sewer problems for almost nine years. He mentioned that he been assured that the problems would be fixed and nothing had been done yet. He asked the Board to force St. Johns Service Company to fix the problems. Maguire asked Bosanko if they could force St. Johns Service Company to fix the problem, and what were their legal restrictions or capabilities. Bosanko replied, that this would be where the Water and Sewer Authority would come in, take it to them to examine it to see if there was a fix. Maguire asked if the Water and Sewer Authority had been privy to this problem. Schwab replied that he checked the records and it was not on there.

(10:55 a.m.) Mike Twomey, P.O. Box 5256, Tallahassee, on behalf of Sawgrass Association, Marsh Landing, Sawgrass Players Club, Seaside's Board of Directors, spoke loudly in opposition of this purchase. He stated that this utility had a legal obligation to fix its system to operate properly. He spoke on the cost and price, rates, and needing to know what the rates were before going to the 125 hearing (Exhibit C). He also spoke on the alternatives and the inadequacies of purchasing the utility. Discussion followed on remarks made by Twomey.

(11:17 a.m.) Kathryn Cowdery, 215 S. Monroe Street, Tallahassee, addressed statements made by Twomey regarding Statutes, and being in the public's best interest, with Twomey responding.

(11:22 a.m.) Mary Kohnke, 29 South Roscoe, spoke on the northeast residents knowing what they were talking about on this issue.

(11:28 a.m.) Clara Cowan, 244 Patrick Mill Circle, spoke on not having money to pay horrendous water bills because of reckless spending on purchasing a utility.

(11:30 a.m.) Jim Browning, 148 River Marsh Drive, spoke on this issue boiling down to three things: cost, control and representation.

(11:35 a.m.) Jim McCarthy, 296 Deer Run Drive, thanked the Board for taking the time and money to investigate everything. He stated that the problem should be fixed and to investigate the Marsh Landing area thoroughly.

(11:39 a.m.) Robert Huhta, 204 Greencrest Drive, spoke on the process of purchasing the utility. (11:46 a.m.) Maguire spoke on due diligence, reliance on the seller's legal counsel, buying it at a fair price, control, representation, consumers not being ignored, and on the Marsh Landing sewer being ignored. The major issues brought up would be addressed. He suggested that the Board direct Adams to go back and readdress this whole issue, especially the price with relation to a design fault, and a capacity problem.

(11:51 a.m.) Bryant asked Bosanko if he agreed with Twomey's information regarding the criteria that had to be met before going to a 125 hearing. Bosanko responded to the inadequacies listed by Twomey. Stern asked Schwab to have the Water and Sewer Authority check on the complaints. Schwab replied certainly, but to the best of his knowledge, they had not received phone calls or letters of complaints about this issue. Young was trying to get the problems resolved. Schwab notified the utility about

everything. Maguire asked if there was concurrence to have Adams continue this issue, specifically to address what appeared to be a design and capacity problem with the system in the area of Moss Creek Lane and then expand that out to other areas. Bosanko stated that they would have to have more engineering review time to answer the Board's questions. Adams stated that the meeting of March 23rd would give them more time. Schwab spoke on taking two or three weeks to determine the magnitude of the issue.

(12:00 a.m.) Marcy Silkebaken, 1145 Neck Road, stated that the week of March 23rd was the Players Championship and they may need to schedule this issue at another time. Adams mentioned that he would announce the date later.

The meeting recessed for lunch at 12:00 p.m., and reconvened at 1:40 p.m. with Daniel Bosanko, County Attorney, Commissioners Bryant, Rich, Stevenson, and Stern, with Maguire absent and Diane Gorski, Deputy Clerk, present.

Bryant announced that Items 6 and 7 would be heard first.

(02/23/05 - 8 - 1:51 p.m.)

2. CONSIDER ADDITIONAL STAFFING REQUEST FOR THE BUILDING DEPARTMENT

Stan DeAngelis, Building Official explained the need for additional staffing with Rich questioning the need for additional staffing. (1:57 p.m.) Stern spoke in support of the request.

(1:57 p.m.) Ed Paucek, 970 Irma Way, spoke on behalf of the Northeast Florida Builders Council, who supported the Building Department's request for additional staffing. He applauded the level of service provided by the County and encouraged the Board to approve the request. He explained that the building permit fees would cover the cost of new staff. (1:59 p.m.) **Motion by Rich, seconded by Stern, carried 4/0, with Maguire absent, to approve the transfer of \$235,553 from Building Department Reserves (1190-59920) to 1187 and 1190 Personal Services for the addition of four (4) building inspectors, two (2) plans examiners and two (2) office staff support.**

(02/23/05 - 8 - 2:00 p.m.)

3. PRESENTATION ON THE SEBASTIAN INLAND HARBOR

Matthew Harrison Merritt introduced his partner Richard Newton and then gave a PowerPoint presentation introducing the County Commissioners to the Sebastian Inland Harbor project.

(02/23/05 - 8 - 2:08 p.m.)

4. DISCUSSION ON FLORIDA'S EXPEDITED PERMITTING REVIEW PROCESS

Scott Clem, Assistant County Administrator, introduced Betty Sue Stepp, who assisted with Economic Development projects related to the County's permitting system. (2:10 p.m.) Bryant asked what affect the process would have on the County and Clem responded that the program would offer a way to bring in state and regional agencies and would be a way to expand the expedited permitting to include agencies such as the Florida Department of Transportation (FDOT), St. Johns River Water Management District, and the Department of Environmental Protection (DEP) and would help in situations where a project had many issues, such as Comprehensive Plan and detailed storm water permitting.

(2:11 p.m.) Betty Sue Stepp, Development Review Manager, explained that the County had instituted an expedited permitting process for projects that had been determined to be of an economic benefit to the County or be located within a designated community redevelopment area. She reviewed the other programs in place to further encourage economic development. She explained that in the past, qualified applicants had expressed an interest in participating in the Florida Expedited Permitting review process and said that if the Board approved the County's involvement in the program, they would need to pass a resolution describing the County's intent to participate, and that this would give the County the ability to offer the program as an additional incentive to qualified applicants. She mentioned several other counties in Florida that were participating in the program.

(2:12 p.m.) Mary Helen Blakeslee, Florida State Office of Tourism, explained the State's Expedited Permitting process. She stated that the Army Corps of Engineers generally cooperated with the process. (2:13 p.m.) Bryant asked if the Corps could delegate their permitting duties to other agencies and Blakeslee responded that they had delegated in the past, but had recently decided not to pursue delegates. She explained that the program had been created to assist large, complex economic development projects that had a substantial potential to create jobs and strengthen and diversify the state's economy. She said that it mandated the participation of a number of state regulatory agencies and that because of the mandated process an environment could be created to identify potential problems and solutions that could be identified early in the complex permitting process.

(2:27 p.m.) Stevenson spoke in support of the County participating in the program. She asked for clarification of the twice-yearly waiver limitation and waiving the level of service on State roads and Blakeslee responded that the process usually involved heavy negotiation and was in place to assist with difficult permitting issues.

(2:30 p.m.) Rich asked how long the program had been in existence and she answered that it began in 1997. Rich asked why more counties did not participate and asked what the down side of participation was. Blakeslee explained that many times a project would have only one major issue with one major permitting organization and would not require help dealing with several agencies involved with the process. She said that they were often able to guide applicants in the right direction. She further explained that large projects often had several issues with several agencies and that the program helped with those processes.

(2:33 p.m.) Stern asked Clem to clarify the draft Memorandum of Agreement, page 6, transportation mitigation. Clem explained that the FDOT treated the interstate differently because it was part of the Florida Intrastate Highway system and the County, and other local governments, could adopt standards on State roads that were not part of the State system. He explained that the type of improvements could be mitigated without a strict application of concurrency. (2:36 p.m.) Stevenson asked for clarification on the agreement and Clem explained that the County would determine which projects would qualify and that this could be used as another tool, or incentive, to attract business. Stevenson asked if the County could be compelled to include the State and Blakeslee answered they would not. (2:37 p.m.) Clem explained that the resolution would help expedite the State's review of the projects.

(2:38 p.m.) Stern spoke in favor of a process that would speed up the permitting process and asked that a vote of the resolution be delayed so that there could be further discussion on it. Blakeslee explained the procedures and said that the County would choose which projects to seek assistance with and that the hearing had met one of the statutory requirements in becoming part of the review process.

(2:41 p.m.) Motion by Stern, seconded by Bryant, carried 4/0, with Maguire absent, to continue the resolution to a date uncertain.

(02/23/05 - 10 - 2:42 p.m.)

5. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE THE CONTRACT FOR THE HASTINGS CLINIC WITH PATIENT CENTERED HEALTH NETWORK INC. FOR THE REMAINDER OF THIS FISCAL YEAR

Ellen Walden, St. Johns County Social Services, requested a thirty-day extension under the previous contract to provide continued services to the residents at the Hastings Clinic under the same conditions and provisions of the previous contract, with the exception of the financial compensation that would reflect a one month compensation for the clinic of \$12,500. (2:44 p.m.) Bosanko distributed the contract that would extend the contract for 31 days. (2:44 p.m.) **Motion by Rich, seconded by Stevenson, carried 4/0, with Maguire absent, to adopt Resolution No. 2005-50, extending the agreement between St. Johns County Florida and S.S. Marathe, M.D. P.A. dba Medical Specialists of St. Augustine on the same terms, provisions, conditions and requirements and authorizing the County Administrator to execute on behalf of the County, any agreements, documents, extensions or other paperwork necessary to accomplish that purpose.**

RESOLUTION NO. 2005-50

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND PATIENT CENTERED HEALTH NETWORK, INC., AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

(02/23/05 - 10 - 1:40 p.m.)

6. CONSIDER OFFERING ECONOMIC DEVELOPMENT INCENTIVES TO O.T. FLEX TOOLING

Karen Johnson, Intergovernmental Relations Specialist, explained that the applicant was currently leasing a workspace and planned to build a 30,000 square foot facility in Hastings. She stated that their current work force was seven employees, and that they planned to expand their staff to 50 employees over the next three years. She said that they had applied for incentives and that, based on the information included in their application, they qualified for expedited permitting and 100% reimbursement of the impact fees and water and sewer unit connection fees, although those services were not available at this time. She explained that they were given points for being a targeted industry, the size of their facility, the size of their work force, having above average wages and being in an underdeveloped area.

(1:41 p.m.) Bryant stated that the numbers were objective and that he hoped that each Commissioner had reviewed them. (1:42 p.m.) Rich asked about waiving the impact fees and the specifics of the program. Johnson explained that this request fell under the Business Incentive Ordinance, passed by the Board of County Commissioners in 2002, and that there was a plan for new businesses that relocated to the area, and a different plan for existing businesses wanting to expand. (1:43 p.m.) Bryant explained that the

impact fees were not waived, but were paid out of the County's General Revenue Fund and Bosanko concurred.

(1:44 p.m.) Stern spoke in favor of approving the expedited permitting and incentive package and was happy that O.T. Tooling planned on expanding their business and increasing their work force. (1:45 p.m.) Stevenson concurred with Stern and asked for clarification on eligibility for the waiver of impact fees for new businesses and Johnson responded that new businesses could qualify for the expedited permitting and up to four years rebate on their ad valorem taxes, as well as up to 100% reimbursement on water and sewer unit connection fees and that existing businesses would actually pay the impact fees and apply for reimbursement. (1:47 p.m.) **Motion by Stern, seconded by Rich, carried 4/0, with Maguire absent, to adopt the expedited permitting and the attached incentive calculation of \$21,030, and to instruct the Attorney's Office to prepare an agreement.** (1:47 p.m.) *Johnson requested that the agreement be placed on a future Consent Agenda and a consensus of the Board was given.*

(02/23/05 - 11 - 1:47 p.m.)

7. CONSIDER ADOPTING A RESOLUTION FOR THE QUALIFIED TARGET INDUSTRY REFUND PROGRAM IN SUPPORT OF O.T. FLEX TOOLING

Johnson explained that the applicant had applied through the State for the Qualified Target Industry Refund Program (QTI), which required local financial support in the form of a resolution recommending the applicant for the QTI, and committed the County to provide a local match of 20%. She said that the County's local match would be \$25,800, and would be paid out over a six-year period. She further explained that the agreement would be between O.T. Flex Tooling and the State and that they would be required to submit to an audit by the State in order to meet the wage and hiring position requirements before receiving the annual tax refund. (1:48 p.m.) Stern spoke in favor of adopting the resolution.

(1:49 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/0, with Maguire absent, to adopt Resolution 2005-29, to support O.T. Flex Tooling's application for the Qualified Target Industry Tax Refund Program and the intent to commit the County to pay up to \$25,800 as local financial support, if funds were available in future fiscal years.**

RESOLUTION NO. 2005-49

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING THAT O.T. FLEX TOOLING BE APPROVED AS A QUALIFIED APPLICANT, PURSUANT TO §288.106, FLORIDA STATUTES; AND PROVIDING AN APPROPRIATION OF \$25,800.00 AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM, AND PROVIDING FOR AN EFFECTIVE DATE

(1:50 p.m.) Taff Stone, 8165 State Road 207 from O.T. Flex Tooling addressed the Board and thanked them for their approval. He also thanked County Staff for their hard work and the Chamber of Commerce for their assistance.

(02/23/05 - 12 - 2:45 p.m.)

8. SALVATION ARMY'S FOOD BANK 2003-2004 COMPARISON REPORT

Gary Bruce, 303 Cortez, thanked the Board for allowing the Salvation Army to manage the Food Bank. He gave a brief presentation regarding the 2003-2004 Comparison Report. (2:50 p.m.) Bryant spoke in support of the excellent level of service provided by the Salvation Army.

(02/23/05 - 12 - 2:50 p.m.)

9. PUBLIC HEARING - REZ 2004-38, ST. JOHNS COUNTY UTILITY ADMINISTRATION BUILDING - THIS IS A REQUEST TO REZONE SEVEN ACRES FROM OPEN RURAL (OR) TO PUBLIC SERVICE (PS), FOR A GOVERNMENT OFFICE BUILDING. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 16 AND IS ON THE EAST SIDE OF FOUR MILE ROAD, AND IS IN THE MIXED USE LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE ST. JOHNS UTILITY DEPARTMENT WILL PROVIDE CENTRAL WATER AND SEWER. ADJACENT ZONINGS ARE OPEN RURAL (OR), PLANNED UNIT DEVELOPMENT (PUD), AND RESIDENTIAL MOBILE HOME (RMH). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 4/0 AT THEIR FEBRUARY 3, 2005 MEETING, WITH THREE MEMBERS ABSENT

Proof of publication regarding the notice of public hearing for REZ2004-38, St. Johns County Utility Building, was received, having been published in *The St. Augustine Record* on January 14, 2005.

Bruce Ford, Chief Planner, briefly explained the request to rezone seven acres for a new St. Johns County Utility Administration building, and stated that Staff supported the request, as the request supported the goals, objectives and policies of the Future Land Use element, as well as the mixed-use provision of the Comprehensive Plan. The PZA recommended approval of this item by a vote of 4/0 at their February 3, 2005 hearing (full findings of fact have been provided). One adjacent property owner response form for, and one against, had been received.

(2:52 p.m.) **Motion by Stevenson, seconded by Stern, carried 4/0, with Maguire absent, to enact Ordinance No. 2005-13, known as REZ 2004-38, St. Johns County Utility Administration Building Rezoning, adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2005-13

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 PUBLIC SERVICE (PS); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 2:53 p.m. and reconvened at 3:04 p.m.

(02/23/05 - 13 - 3:04 p.m.)

10. PUBLIC HEARING - PNZVAR 2004-11, HORTON'S STORE - THIS REQUEST SEEKS A NON-ZONING VARIANCE TO POLICY A.2.1.4(A) OF THE ST. JOHNS COUNTY COMPREHENSIVE PLAN, WHICH REQUIRES A MINIMUM 30 FOOT SCENIC EDGE (FOR LOTS LESS THAN 500 FEET IN DEPTH) ALONG ALL ARTERIAL, MAJOR COLLECTOR AND PROPOSED ROADS DEPICTED ON THE NORTHWEST SECTOR OVERLAY MAP. THE VARIANCE PROVISION ALLOWS ENCROACHMENTS INTO THE 30-FOOT SCENIC EDGE DUE TO EXCEPTIONAL SHALLOVNESS, UNUSUAL SHAPE OF A PARCEL OR OTHER EXTRAORDINARY CONDITION OF A PARCEL WHICH WOULD RESULT IN PRACTICAL DIFFICULTIES IN MEETING THE SCENIC EDGE. OTHER BUFFERING OR SCREENING REQUIREMENTS MAY BE IMPOSED AS A CONDITION OF APPROVAL OF A NON-ZONING VARIANCE

Proof of publication regarding the notice of public hearing for PNZVAR 2004-11, Horton's Store, was received, having been published in *The St. Augustine Record* on February 8, 2005.

Bruce Ford, Chief Planner, explained the request and reviewed the site plan. He stated that the legal department had requested additional information regarding the scenic edge encroachment and that Staff had supported the zoning variance for the scenic edge encroachment, but not the non-zoning variance request. He added that no adjacent property notices had been received and that the Public Works Department had requested that Prosser Hallock perform a traffic study in the area. He told the Board that whatever was decided upon at this meeting had to be included in the variance. (3:10 p.m.) John Bailey, Upchurch, Bailey and Upchurch, 780 N. Ponce De Leon Blvd., explained the applicant's request. He said that if the variance requests were resolved the property would be sold to a prospective buyer.

(3:13 p.m.) Rachel Bennett, England, Thims & Miller, Inc. (ETM), gave a brief presentation regarding the proposed scenic encroachment on the subject property. (3:30 p.m.) Hugh Mathews, P.E., ETM, gave a brief presentation regarding the proposed access at the southeast corner of the parcel onto Pacetti Road with a full median opening, which would be 280 feet from the right of way of S.R. 16 to the north. (3:36 p.m.) Jeff Crammond, P.E., ETM, provided his review of the distance requirements for safe ingress and egress from the proposed drive onto Pacetti Road from the Horton property, based on the *FDOT's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (MUMSD), 2002 Edition*, and the 2004 Design Standards. (3:44 p.m.) Discussion regarding the left turn into the proposed Horton development from Pacetti Road ensued.

(3:56 p.m.) Joe Stephenson, Public Works Director, gave a presentation demonstrating the Public Works Department's opposition to the applicant's request for a median opening.

(3:59 p.m.) Fred Kyle, Prosser & Hallock, reviewed his recommendations to the Public Works Department and fielded questions from the Board relating to his findings.

(4:14 p.m.) Stephenson justified the timing of traffic lights, specifically on S.R. 312 and Old Moultrie Road, and Bryant and Stern disagreed with his opinion.

(4:17 p.m.) Stern reviewed the plans for the four-laning of S.R. 16 and improvements to the intersection to resolve current and future traffic issues. She asked Kyle what impact a modification of a left in and no left out would have on the area. Kyle responded that

the impacts would be the same because it would reduce the length of the left turn lane. He said that there were several locations that functioned well with a right in/right out set up and the customers preferred the right in u-turn movement by a ratio of 4/1. He spoke against a median opening because of left turn storage. Stern asked about limiting the entry to a right in/left out to alleviate concerns and Kyle replied that limiting a left out would be good, but the left turn lane would not be long enough store the vehicles and lane changes would take place and there would still be a potential for crashes and erratic lane changes. Stern revisited the S.R. 312 intersection eastbound section stacking at the left turn lane causing motorists to sit through several traffic signal light cycles. She stated that there were many successful left in/right out entries throughout the County and that she supported giving the property owner access.

(4:24 p.m.) Bosanko pointed out that the Board needed to be careful about questioning a witness about an exhibit that he may not have. (4:24 p.m.) Rich said that the bottom line was safety and that this was a difficult decision. (4:25 p.m.) Stevenson said that she was frustrated by the arbitrary way that landowners were affected by past changes and asked about the Mirabella project located nearby. (4:26 p.m.) Bryant explained that the intersection had been designed with the Mirabella project in mind and that since all three developers in the area had joined in to do the four-laning simultaneously, the Ackerson Group had agreed to redesign the intersection. He said that the County needed to tell the group what the plans were for all four corners so that they could design the intersection accordingly. Bryant also explained that the Board had been presented professional engineering facts from two different firms and that it was their job to make a decision based on the information. Stephenson said that Staff was aware of the difficult position that Mr. Horton was in, and stated that Staff was unable to recommend a compromise and preferred no median opening. He asked the Board to include the statement "when and if an accident problem occurred it would close the median" in the motion if the northbound left in only median opening was approved. (4:29 p.m.) Bryant reiterated that the Board had been given professional opinions on both sides and that whatever the Board decided would be based on facts provided by one engineering firm or the other, and that the County would be covered; Bosanko concurred. Bryant addressed Bailey and said that the Board was trying to accommodate Horton and that the County had footed the bill for a Comp Plan Transmittal and an Administrative Rezoning and that the Board was trying to work with Mr. Horton. (4:32 p.m.) Crammond offered rebuttal testimony.

(4:38 p.m.) Stern, Rich and Stevenson declared ex parte communications with Horton.

(4:39 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd. S., requested that the Board deny this request, as she would like to see the buffer maintained.

(4:42 p.m.) Richard Horton, 5405 State Road 16, stated he wanted some way to get in and out of his property and to be able to sell the property and move on. He asked the Board to help him. (4:45 p.m.) Bailey asked that if either variance was approved, that the Board make it run with the land.

(4:46 p.m.) Motion by Stern, seconded by Rich, to approve non-zoning variance 2004-11, Horton's Store, making Findings of Fact 1 through 6 to support the motion, and with the modification on the transportation non-zoning variance to make a left-in and right-out at that intersection, based on the expert testimony from England, Thims and Miller. Stern added a condition to the motion: that the landscaping be an average of 35 feet, with a minimum of 15 feet. Discussion followed. (4:53 p.m.) Stern added an additional condition to the motion: that this variance also runs with the land. Rich accepted the amendment. Stern clarified that the motion was for a right-in; right-out; left-in. (4:54 p.m.) The motion carried 4/0, with Maguire absent.

The meeting recessed at 4:55 p.m. and resumed at 5:04 p.m.

(02/23/05 - 15 - 5:04 p.m.)

11. PUBLIC HEARING - PUD 2004-37, KINGS TRACE PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 27.94 ACRES, LOCATED WEST OF OLD MOULTRIE ROAD, SOUTH OF LEWIS POINT ROAD, FOR THE DEVELOPMENT OF 82 SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT CONTAINS 2.27 ACRES OF WETLANDS; 0.17 ACRES OF WHICH WILL BE IMPACTED. THE PROJECT IS LOCATED IN THE MIXED USE LAND USE CATEGORY, WHICH PROVIDES FOR A DENSITY OF 13 DU/AC. THE PROJECT HAS A NET DENSITY OF 3.16 UNITS PER ACRE. MINIMUM LOT DIMENSIONS ARE PROPOSED AS A MINIMUM OF FIFTY-THREE (53) FEET WIDE AND A MINIMUM LOT SIZE OF 5,000 SQUARE FEET. A MINIMUM OF 1.0 ACRE OF ACTIVE RECREATION WILL BE PROVIDED IN TWO LOCATIONS: AT THE PROJECT ENTRANCE AND ALONG THE SOUTHERN EDGE OF THE SITE. PROPOSED RECREATION FACILITIES INCLUDE A CHILD'S PLAYScape (TOT LOT), EXERCISE/WALKING/JOGGING PATH AROUND THE EASTERN POND AND A GRASSED MULTI-USE FIELD. FOUR (4) FOOT WIDE SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF ALL INTERNAL ROADS AND THE PROVISION OF FIVE (5) FOOT WIDE SIDEWALKS ALONG OLD MOULTRIE ROAD. THE PROJECT WILL RESERVE TWENTY (20) FEET OF RIGHT-OF-WAY ALONG OLD MOULTRIE ROAD. OPEN SPACE WILL BE PROVIDED THROUGH 7.22 ACRES, INCLUDING THE RECREATION AREAS, CONSERVATION AREAS AND BUFFER AREAS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR FEBRUARY 3, 2005 HEARING, BY A VOTE OF 4/0

Proof of publication regarding the notice of public hearing for PUD2004-37, Kings Trace PUD, was received, having been published in *The St. Augustine Record* on February 8, 2005.

Lindsay Haga, Planning Division, stated that she did not have any additional information to add on this item. Gary Davenport, 3266 Pacetti Rd., stated that he was present, on behalf of the applicant, to answer any questions.

(5:04 p.m.) Rich disclosed having ex parte communication with Davenport, regarding general information on the Kings Trace PUD. (5:05 p.m.) Stern clarified the location of the development; discussion ensued. (5:06 p.m.) **Motion by Stern, seconded by Rich, carried 4/0 with Maguire absent, to enact Ordinance No. 2005-14, known as PUD2004-37, Kings Trace PUD, adopting Findings of Fact to support the motion, numbers 1 through 7.**

ORDINANCE NO. 2005-14

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 PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/23/05 - 16 - 5:07 p.m.)

12. PUBLIC HEARING - MAJMOD 2004-17, ST. AUGUSTINE CENTRE PUD - THE ST. AUGUSTINE CENTRE PUD IS GENERALLY LOCATED EAST OF I-95, NORTH OF SR 16 AND WEST OF INMAN ROAD. THE PUD COMPRISES 315.3 ACRES. THE ST. AUGUSTINE CENTRE PUD WAS ORIGINALLY APPROVED BY ORDINANCE NUMBER 97-23, AS AMENDED, AND INCLUDES THE FOLLOWING USES: RETAIL SERVICE INCLUDING OUTLET RETAIL; HOTELS; RESIDENTIAL; INDUSTRIAL AND MOVIE THEATER. THE APPLICANT SEEKS TO DEVELOP A RETAIL STORE SELLING CAMPING SUPPLIES AND ACCESSORIES KNOWN AS "CAMPING WORLD" COUPLED WITH A RECREATIONAL VEHICLE SALES CENTER, INCLUDING SERVICE BAYS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR JANUARY 20, 2005 PUBLIC MEETING, WITH A VOTE OF 7/0

Proof of publication regarding the notice of public hearing for Major Modification 2004-17, St. Augustine Centre PUD, was received, having been published in *The St. Augustine Record* on February 8, 2005.

Nicole Cubbedge, Planning Division, stated that there were no changes to the information provided in the Commissioners' packages. (5:07 p.m.) Tom Ingram, 245 Riverside Ave., representing the applicant, presented the details of this item.

(5:08 p.m.) Rich, Stevenson and Stern disclosed having ex parte communications, with the attorney and/or client for this item, regarding the general details of the application and signage.

(5:10 p.m.) **Motion by Stern, seconded by Stevenson, carried 4/0 with Maguire absent, to enact Ordinance No. 2005-15, known as Major Modification 2004-17, St. Augustine Centre PUD, adopting Findings of Fact to support the motion, 1 through 6.**

ORDINANCE NO. 2005-15

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE CENTRE PLANNED UNIT DEVELOPMENT (PUD), ORDINANCE NUMBER 97-23, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(02/23/05 - 16 - 5:11 p.m.)

13. PUBLIC HEARING - UNSAFE TREE PROTECTION ORDINANCE - THE BOARD OF COUNTY COMMISSIONERS DIRECTED THAT AN ORDINANCE, SIMILAR TO THE ONE ATTACHED, ADDRESSING REMOVAL OF CERTAIN PRESUMABLY UNSAFE "DEAD" TREES FROM PRIVATE PROPERTY BE PREPARED. SINCE THAT TIME THE PROPOSED ORDINANCE HAS BEEN SUBSTANTIALLY REVISED BY ADMINISTRATIVE STAFF AND THE COUNTY ATTORNEY TO ADDRESS CONCERNS ABOUT PARTICULAR TREES PROTECTED BY STATE OR FEDERAL LAW OR CONSERVATION EASEMENTS. THE STAFF WAS ALSO ASKED TO CONSIDER EXPANSION OF THIS ORDINANCE TO COVER THE MUCH BROADER RANGE OF ALL THE LIVE BUT HAZARDOUS TREES. THAT EXPANSION HAS NOT BEEN INCLUDED HEREIN, AS IT IS THE OPINION OF THE COUNTY ADMINISTRATOR THAT SUCH EXPANSION WOULD REQUIRE

SUBSTANTIAL ADDITIONAL FUNDING, WHICH IS NOT WARRANTED BY
THE RISK AT THIS TIME

Proof of publication regarding the notice of public hearing for an unsafe tree removal ordinance was received, having been published in *The St. Augustine Record* on February 4, 2005.

Dan Bosanko, County Attorney, gave a brief history of the catalyst for this proposed ordinance. Additionally, he stated that there were certain environmental issues that had to be considered, i.e. if the trees were located in a conservation easement or contained a protected species; discussion ensued.

(5:17 p.m.) Rich suggested a language change to paragraph 1, subparagraph b, stating that it should read: "*When the County has reasonable cause to believe that no foliage has been present...*" Bosanko accepted the suggested language.

(5:18 p.m.) Motion by Stevenson, seconded by Rich, carried 4/0 with Maguire absent, to enact Ordinance 2005-16, providing for the removal of certain unsafe trees within the unincorporated boundaries of St. Johns County, Florida; as amended by Commissioner Rich.

ORDINANCE NO. 2005-16

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA,
PROVIDING FOR THE REMOVAL OF CERTAIN
UNSAFE TREES WITHIN THE UNINCORPORATED
BOUNDARIES OF ST. JOHNS COUNTY, FLORIDA;
AND PROVIDING FOR AN EFFECTIVE DATE**

[\(02/23/05 - 17 - 5:21 a.m.\)](#)

14. CONSIDER APPOINTMENTS TO THE ADJUSTMENT AND APPEALS BOARD

Melissa Lundquist, Administrative Coordinator, stated that there were two appointments for alternate positions that needed to be made to the Adjustment and Appeals Board.

(5:22 p.m.) Motion by Stern, seconded by Bryant, carried 4/0 with Maguire absent, to appoint Charles Metcalfe, District 2, as an alternate member, with the term to expire February 23, 2006.

(5:23 p.m.) Motion by Rich, seconded by Stern, to appoint Mr. James Quinn as an alternate member to the Adjustment and Appeals Board for a one-year term, scheduled to expire February 23, 2006. Motion by Rich to appoint Mr. William R. Ward as an alternate member to the Adjustment and Appeals Board, for a one-year term scheduled to expire February 23, 2006. Bryant explained that he was only allowed one motion. Discussion followed on the application process. **(5:27 p.m.) The motion carried 4/0, with Maguire absent.**

(02/23/05 - 18 - 5:27 a.m.)

15. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH APAC-SOUTHEAST, INC., IN THE AMOUNT OF \$1,281,428.45 FOR THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT PAVEMENT IMPROVEMENTS, UNDER BID 05-41 (*Attachment H*)

Laura Barrow, Assistant County Attorney, entered the meeting.

Joe Stephenson, Public Works Director, explained that this contract was for their annual maintenance and pavement resurfacing contract, and that most of the work was to take place in Ponte Vedra this year.

(5:29 p.m.) Stern addressed the concerns of residents along State Road 207, who, in the past, have had complaints about the APAC plant in that area. She stated that she attended a community meeting, at which the residents expressed their concerns and complaints. She, Barrow and David Church, of APAC, and two of their attorneys, had a meeting with Chris Kurtz, DEP. Based on that meeting and subsequent communications with Mr. Church, she stated that she now felt comfortable supporting awarding the bid to APAC. Furthermore, the work for this contract would take place at the Duval County APAC plant, not the State Road 207 plant.

(5:34 p.m.) Motion by Stern, seconded by Rich, carried 4/0 with Maguire absent, to authorize the County Administrator, or his designee, to enter into contract with APAC-Southeast, Inc., in the amount of \$1,281,428.45, for the Ponte Vedra Municipal Service District pavement improvements, under Bid 05-41.

(02/23/05 - 18 - 5:35 p.m.)

- 15A. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR KENSINGTON, UNIT TWO (*Formerly Consent 9*)

Ben Adams, County Administrator, stated that this item needed to be pulled. The Board concurred. Barrow left the meeting.

(02/23/05 - 18 - 5:35 p.m.)

16. PUBLIC HEARING - AMENDMENTS TO ARTICLE II, ARTICLE IV AND ARTICLE V OF THE LAND DEVELOPMENT CODE - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO THE LAND DEVELOPMENT CODE. SPECIFICALLY, AMENDMENTS TO ARTICLE II, ARTICLE IV AND ARTICLE V OF THE LAND DEVELOPMENT CODE ARE PROPOSED TO ADDRESS A NUMBER OF ISSUES AS DIRECTED BY THE BOARD OF COUNTY COMMISSIONERS, OR AS RECOMMENDED BY STAFF. THE ARTICLES ARE PROVIDED IN STRIKETHROUGH AND UNDERLINE FORMAT TO HIGHLIGHT THE PROPOSED CHANGES

Proof of publication regarding the notice of public hearing for the establishment of an ordinance/regulations affecting the use of land was received, having been published in *The St. Augustine Record* on February 12, 2005.

Scott Clem, Assistant County Administrator, reviewed the proposed changes to the Land Development Code. He explained that the changes in Article II addressed zoning regulations; the changes in Article IV, Natural Resources, addressed the filling of lots, tree protection and buffer requirements, with discussion; and the changes in Article V addressed family farm divisions, reserve area/open space criteria in PRDs, off-site signage in PUDs and DRI conversion tables, with discussion.

(6:12 p.m.) Don Smith, 14775 St. Augustine Rd., Jacksonville, stated that he supported the proposed changes and he made suggestions for additional modifications. Discussion ensued with Bosanko pointing out the differences between minor modifications and major modifications to PUDs.

(6:21 p.m.) John Metcalfe, 245 Riverside Ave., Jacksonville, commented on the proposed changes relating to fill regulations and permit issues relating to development or construction plan approval.

(6:24 p.m.) George McClure, 170 Malaga St., made suggestions regarding bank and pharmacy drive-throughs in the B-Residential zoning classification, allowing in-law suites and filling and permitting wetlands. Bosanko commented that the County was still in litigation defending its buffer regulations. Discussion ensued regarding the lawsuit, variances to the buffer regulations and using the SJRWMD's buffer guidelines.

Bryant announced that the second hearing regarding the amendments to the Land Development Code was scheduled for March 9th at 9 a.m.

(02/23/05 - 19 - 6:37 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson gave an update on the 32259 zip code name change. She also reported that she attended a green development kick-off, sponsored by JEA, regarding building fuel-efficient homes.

(6:41 p.m.)

Commissioner Rich:

No report.

(6:41 p.m.)

Commissioner Stern:

Stern stated that she had received reports of concerns about safety issues due to speeding on Spring Street; she requested that a study be conducted. She also requested that the Chamber come and talk to the Board about the zip code/name change. She spoke in support of a real estate transfer fee that was being proposed by the Legislature.

(6:44 p.m.)

Commissioner Bryant:

Bryant acknowledged the St. Johns County Mental Health Department for receiving an 88% on their last audit, as indicated on the Child Welfare Integrated Quality Assurance Monitoring Results, Exhibit A.

(02/23/05 - 19 - 6:45 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board of the dates and times of some upcoming meetings: March 2nd at 9:00 a.m., a Special Meeting regarding the Lake Dwellers CDD and impact fees; March 9th, the Regular Meeting; March 16th at 5:30 p.m., the second impact fee adoption hearing.

Adams reported that he would be attending the annual Association of Counties meeting in Washington.

(02/23/05 - 20 - 6:48 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko requested to schedule a shade meeting on March 9th at 8:00 a.m. He stated that he needed the Board's advice on a lawsuit/settlement regarding the drowning of a child in a County swimming pool. The Board concurred.

Bosanko stated that he would be taking a vacation and would not be in attendance at the April 6th meeting. Michael Hunt, Deputy Count Attorney, would be covering in his absence.

(02/23/05 - 20 - 6:49 p.m.)
CLERK OF COURT'S REPORT

No report.

(6:49 p.m.) Motion by Bryant, seconded by Stern, carried 4/0 with Maguire absent, to adjourn.

With there being no further business to come before the Board, the meeting adjourned at 6:49 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners' Check Register, check nos. 363864 through 363866, dated 2/11/05 for \$925.40

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief, Bureau of Administrative Code, dated February 14, 2005, regarding the filing of Ordinance Nos. 2005-8 through 2005-12.

Approved _____, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk