

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 14, 2005
(8:00 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 Chairman
 Karen R. Stern, District 2
 Ben Rich, District 3
 Ben W. Adams, Jr., County Administrator
 Dan Bosanko, County Attorney
 Isabelle Lopez, Senior Assistant County Attorney
 Terry Bulla, Deputy Clerk

Absent was: Cyndi Stevenson, District 1

(06/14/05 - 1 - 8:00 a.m.)

1. 8:00 AM - CLOSED SESSION - THIS IS A SPECIAL PRIVATE ATTORNEY - CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE SPECIAL MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS AND ST. JOHNS COUNTY, DIVISION OF ADMINISTRATIVE HEARINGS CASE NO.: 03-4764 GM. IN THIS CASE THE DCA IS CONTESTING THE COUNTY'S ADOPTION AND ENACTMENT OF A COMPREHENSIVE PLAN AMENDMENT WHICH CONVERTED A PARCEL OF LAND ON THE NORTH EAST QUADRANT OF INTERNATIONAL GOLF PARKWAY FROM RURAL SILVICULTURE TO INTENSIVE COMMERCIAL AND CONSERVATION. THE LANDOWNERS (THE "9 MILE GANG") HAVE INTERVENED. THE SPECIAL MEETING HAS BEEN ADVERTISED FOR 8:00 A.M.

Proof of publication of the special private meeting of the Board of County Commissioners was received, having been published in *The St. Augustine Record* on May 31, 2005.

(8:02 a.m.) Dan Bosanko, County Attorney, announced the Closed Client/Attorney Meeting in Conference Room A, concerning the lawsuit between the Florida Department of Community Affairs and the Board of County Commissioners St. Johns County, Division of Administrative Hearings, Case Number 03-4764GM. He listed those people in attendance, including: Bruce A. Maguire, James E. Bryant, Karen R. Stern, Ben Rich, Ben W. Adams, Jr., Dan Bosanko, Isabelle Lopez, and Cathy Ardito, Court Reporter.

(8:04 a.m.) Meeting recessed to private session in Conference Room A, reconvened to the Auditorium.

(8:53 a.m.) **Motion by Rich, second by Bryant, carried 4/0 with Stevenson absent, to adjourn the private session.**

(06/14/05 - 2 - 9:04 a.m.)

CALL TO ORDER

Maguire called the meeting to order.

(06/14/05 - 2- 9:04)

ROLL CALL

Commissioner Stevenson was absent.

(06/14/05 - 2 - 9:04 a.m.)

INVOCATION AND PLEDGE OF ALLEGIANCE

Bryant led the invocation and Stern led the Pledge of Allegiance.

(06/14/05 - 2 - 9:05 a.m.)

PUBLIC COMMENT

(9:05 a.m.) Maggie White, P.O. Box 2034, St. Augustine, spoke regarding the donation of the North Beach Lifeguard Chair to the St. Johns County Parks and Recreation Department and pledged monetary support to staff the chair. She said the chair was built on World Ocean's Day and she credited others who assisted in building it and helping to make it a reality. She also references an article in The Florida Times Union, which highlighted her campaign to increase lifeguard services to the North Beach area. Maguire praised White for her commitment and hard work.

(9:09 a.m.) Walter Rohrer, 3215 Club View Court, Ponte Vedra Beach, and Commissioner Mary Kohnke, 29 S. Roscoe, Ponte Vedra, reported on the Roundtable Budget findings. They represented the St. Johns County Civic Association Roundtable Budget Committee. (9:34 a.m.) Rohrer said they reviewed 38 departmental budgets. They gave recommendations, noted conflicts of interest and gave accolades to the appropriate departments. Various commissioners thanked Rohrer and Kohnke for their contributions in putting the report together. Adams also thanked them for their countless hours of volunteer service.

(06/14/05 - 2 - 9:45 a.m.)

DELETIONS TO CONSENT AGENDA

Rich asked that Item No. 17 be pulled from the Consent Agenda and be placed at the end of the Regular Agenda. Maguire said that would become Item No. 13. Maguire said he would like to pull Item No. 21 and reschedule it for the next meeting on June 28.

(06/14/05 - 3 - 9:46 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:

02/22/05 - BCC/School Board Joint Meeting

03/16/05 - BCC Special Meeting

05/18/05 - BCC Regular Meeting

3. Sheriff's Office Bonds:

Cancel: Joseph Bennett
Duane Reyelts

4. Motion authorizing the Chairman of the St. Johns County Board of County Commissioners to initial changes made by Florida East Coast Railroad to the Holmes Blvd Railroad Reimbursement Agreement
5. Motion to adopt **Resolution No. 2005-149**, approving terms and authorize execution of a Conservation Easement over 0.62 acres of upland buffer off Dobbs Road to mitigate for secondary wetland impacts associated with development of the Facility Maintenance site

RESOLUTION NO. 2005-149

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT OVER 0.62 ACRES OF UPLAND BUFFER OFF DOBBS ROAD TO MITIGATE FOR SECONDARY WETLAND IMPACTS ASSOCIATED WITH DEVELOPMENT OF THE FACILITY MAINTENANCE SITE

6. Motion to adopt **Resolution No. 2005-150**, accepting a Deed of Dedication Right-of-Way for additional right-of-way on Capo Island Road

RESOLUTION NO. 2005-150

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED OF DEDICATION RIGHT-OF-WAY FOR ADDITIONAL RIGHT-OF-WAY ON CAPO ISLAND ROAD

7. Motion to adopt **Resolution No. 2005-151**, approving the terms and authorizing the Chairman of the Board of County Commissioners to execute the Consent of Easement to allow the County to use and maintain the retention pond in the southwest quadrant of the Palm Valley Bridge

RESOLUTION NO. 2005-151

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE CONSENT OF EASEMENT TO ALLOW THE COUNTY TO USE AND MAINTAIN THE RETENTION POND IN THE SOUTHWEST QUADRANT OF THE PALM VALLEY BRIDGE

8. Motion to adopt **Resolution No. 2005-152**, approving a Final Plat for Marshall Creek DRI Unit SV-1

RESOLUTION NO. 2005-152

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI SV-1

9. Motion to adopt **Resolution No. 2005-153**, approving a Final Plat for Istoria

RESOLUTION NO. 2005-153

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ISTORIA

10. Motion to adopt **Resolution No. 2005-154**, accepting the terms of a Contract between the County and Department of Juvenile Justice, and authorizing the Chairman of the Board of County Commissioners to execute the Agreement on behalf of the County

RESOLUTION NO. 2005-154

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE CONTRACT WITH THE DEPARTMENT OF JUVENILE JUSTICE

11. Motion to adopt **Resolution No. 2005-155**, accepting the terms of the ACCESS Florida Partnership Agreement between the Florida Department of Children and Families and St. Johns and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2005-155

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN ACCESS FLORIDA PARTNERSHIP AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

12. Motion to approve the transfer of \$12,000 from 1183-59920 (EMS Impact Fee Reserves) to 1182-56200-8913-56200 (Buildings) and the transfer of \$4,000 from 1180-59920 (Fire Impact Fee Reserves) to 1172-56200-8913-56200 for the completion of the I-95 Fire Station
13. Motion to adopt **Resolution No. 2005-156**, recognizing unanticipated revenue in the amount of \$3,065.00 and increasing the expenditure budget of the LETF [1105-1194-56400] in the same amount. Motion to approve a transfer to the Sheriff in the amount of \$7,441.00 from the Law Enforcement Trust Fund, LETF, Reserve [1194-59920] for the purchase of a telephone system [1105-1194-56400 LETF Equipment]

RESOLUTION NO. 2005-156

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2005 LAW ENFORCEMENT TRUST FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY SHERIFF

14. Motion to adopt **Resolution No. 2005-157**, authorizing the County Administrator to enter into a Joint Participation Agreement for \$161,954 in Block Grant Funds from the FDOT

RESOLUTION NO. 2005-157

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT (FINANCIL PROJECT NUMBER 418441-1-84-01, BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE CHAIRPERSON OF THE ST. JOHNS BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE JOINT PARTICIPATION AGREEMENT ON BEHALF OF THE COUNTY, SO THAT COUNTY MIGHT RECEIVE PUBLIC TRANSIT BLOCK GRANT FUNDS FOR OPERATING ASSISTANCE

15. Motion to authorize the County Administrator, or his designee, to enter into a non-exclusive franchise agreement for commercial/industrial solid waste
16. Motion to authorize the County Administrator, or his designee, to enter into non-exclusive a franchise agreement for construction and demolition debris
17. Motion to authorize the County Administrator, or his designee, to purchase one (1) 400KW diesel generator, One (1) 300KW diesel generator and One (1) 100KW diesel generator from the lowest responsive bidder, Cummins Southeastern Power, in the amount of \$183,122 (*See Attachment "A"*)
18. Motion to authorize the County Administrator, or his designee, to enter into contract under Bid No. 05-92, with Arwood, Inc. and Southern Enterprises Group Inc. (SEG), on an as needed basis of price and availability (*See Attachment "B"*)
19. Motion to authorize the County Administrator, or his designee, to enter into contract under Bid No. 05-88, Construction of Palmo Boat Ramp Improvements, with BNC, Inc., at the firm fixed price of \$236,000 (*See Attachment "C"*)
20. Motion to declare the attached list of items as surplus and authorize Staff to dispose of same, in accordance with Purchasing Policy 308 and Florida Statute 274
21. Motion to authorize the County Administrator, or his designee, to enter into a ten-year agreement with Waste Management, Inc., for RFP 05-84, Waste Management and Disposal Services

22. Motion to approve a \$25,000 budget transfer from the General Reserves Fund (0083-59920) to (0002-53120) Board of County Commissioners Contractual Services for the 125.3401 hearing set for August 17 and 18, 2005 from 4:00 p.m. to 9:00 p.m., at Our Lady Star of the Sea in Ponte Vedra
23. Motion to support the purchase of new voting equipment by the Supervisor of Elections to comply with state and federal mandates and authorize the Chairman to sign the attached letter to the Division of Elections Director
24. Motion to adopt **Resolution No. 2005-158**, approving of the terms, provisions, conditions, and requirements of a Purchase and Sale Agreement between St. Johns County, Florida, and JNM Beachside Development, LTD, for property located within Sea Grove Town Center, and authorizing the County Administrator to execute the agreement on behalf of St. Johns County, and to proceed with any and all due diligence requirements, and to close the transaction in accordance with the terms of the Purchase and Sale Agreement

RESOLUTION NO. 2005-158

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF A PURCHASE AND SALE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND JNM BEACHSIDE DEVELOPMENT, LTD., FOR PROPERTY LOCATED WITHIN THE SEA GROVE TOWN CENTER, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

(06/14/05 - 6 - 9:46 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Maguire stated that Glenn Hastings wanted to add an RFP, which was added as Item No. 14 to the Regular Agenda.

(06/14/05 - 6 - 9:47 a.m.)

APPROVAL OF REGULAR AGENDA

(9:47 a.m.) **Motion by Stern, seconded by Bryant, carried 4/0 with Stevenson absent, to approve Regular Agenda, as amended.**

(06/14/05 - 7 - 9:47 a.m.)

1. PRESENTATION OF THE FINANCIAL STATEMENT AUDIT FOR COUNTY FISCAL YEAR 2004

Doug Timms, Director of the Office of Management and Budget, stated they were present to conclude the County's audit process. He introduced Allen MacDonald, Director of Finance, who introduced Harold Monk of, Davis, Monk & Company, the County's auditors. He introduced Martha Baker and Jeff Sidener who worked on the audit on a day-to-day basis. He noted that the County had received a Certificate of Achievement awarded by the Government Finance Officer's Association, which was an award given to counties that met the very stringent requirements for financial reporting. He stated they should be very proud of that achievement. Monk presented the Financial Statement and audit and said it had received the highest performance level obtainable.

(9:57 a.m.) Adams complimented staff and the agencies for their hard work on the budget process. McDonald said the public could access the budget on the County website as well as on Compact Disc.

(9:59 a.m.) **Motion by Rich, seconded by Stern, carried 4/0 with Stevenson absent, to accept the financial statement audit for County Fiscal Year 2004 as presented by independent auditors, Davis, Monk & Company.**

(10:00 a.m.) Michael Hunt, Deputy County Attorney, joined the meeting.

(06/14/05 - 7 - 10:00 a.m.)

2. CONSIDER ADOPTING A RESOLUTION INCREASING THE USAGE BLOCKS FOR WATER AND REDUCING THE BLOCK USAGE RATES FOR WATER, REDUCING THE USAGE RATES FOR WASTEWATER AND PROVIDING AN EFFECTIVE DATE

Bill Young, Utility Director, gave a presentation on the FY 2004/05 Water and Wastewater Rate Study performed by Brown and Caldwell, stating that an overall rate reduction of 12.5% was possible and recommended that it be implemented by July 1, 2005. He said they were able to lower the rate because of growth in the County, as well as a fully committed, efficient staff. He said it reflected an overall position of financial strength, that they were thinking long term and did not defer maintenance.

(10:11 a.m.) Bryant congratulated Young and his staff for their long-term planning and excellent performance. (10:13 a.m.) Rich also thanked Young and his staff and questioned the rate use and billing. Young responded that the rate would not go up. (10:15 a.m.) Stern said they showed good long range planning and vision and was to be commended. (10:18 a.m.) Maguire said he was impressed by their commitment to service. He noted that in the last four years their department had had two significant rate reductions.

(10:19 a.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stevenson absent, to adopt Resolution 2005-159, increasing the usage Blocks for water and reducing the Block usage rates for water; reducing the usage rates for wastewater; and providing an effective date.**

RESOLUTION NO. 2005-159

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, INCREASING THE USAGE BLOCKS FOR WATER AND REDUCING THE BLOCK 1, BLOCK 2, BLOCK 3 AND BLOCK 4 USAGE RATES FOR WATER; REDUCING THE USAGE RATES FOR WASTEWATER; AND PROVIDING AN EFFECTIVE DATE

(10:20 a.m.) Hunt left the meeting.

(06/14/05 - 8 - 10:19 a.m.)

3. PRESENTATION ON THE STATUS OF THE STATE ROAD 312 EXTENSION PROJECT

Joe Stephenson, Public Works Director, gave a review of the history of the 312 Extension from SR 207 to US 1 North, and noted it was the County's highest priority for road improvements. He introduced Bernie O'Connor, Prosser Hallock, Inc., who gave the presentation on the SR 312 Extension Project. He stated his firm was the consultant with the Florida Department of Transportation on the project, and introduced Millicent Lender who represented their firm on the project. He explained that the project was a 9.3-mile extension, which would be a limited access facility. He reviewed the project objectives, reevaluation status, project needs, design changes, alignment adjustments, impact status, potential contamination sites, noise impacts, permits required and the proposed next steps. (10:36 a.m.) Rich questioned the extent of overpasses for railroads and intersections. O'Connor said there were only two railroad overpasses, and there would be four intersections with stoplights. (10:37 a.m.) Stern asked if there was industrial land use in the area and if so, how would it be accessed. O'Conner responded that access would be limited, in order to provide the highest level of transportation service. He said access in that area, would have access off of US 1, just as it is today. Stern said it was an issue that needed to be addressed because of the difficulty with the access off of US 1. (10:41 a.m.) Rich stated he was concerned with future growth and how it would affect the traffic and growth in years to come, and suggested they should consider overpasses as the major intersections noted.

(10:43 a.m.) Dr. Mary O'Banner, Executive Director Florida Memorial University Foundation, 15800 NW 42nd Ave., Miami, FL, said the Foundation Board of Directors had concerns about part of the extension route. She explained that the Foundation owned about 350 acres in the West Augustine area at the intersection of Holmes Blvd. and CR 214. She said they could develop their property only on the uplands and the 312 Extension would come right in the middle of the developable property. She said they had met with Prosser Hallock and Florida DOT and would continue to discuss the issues with them. She said they had asked them to consider developing the road through the wetlands as opposed to the uplands.

The meeting recessed at 10:48 a.m. and reconvened at 11:05 a.m.

(06/14/05 - 8 - 11:05 a.m.)

4. PRESENTATION ON THE STATUS OF THE ST. JOHNS RIVER CROSSING TOLL FEASIBILITY STUDY

Imran Ghani, FDOT, Planning & Environmental Management Office introduced Randy Fox, FDOT Turnpike Planning Manager, who made the presentation. He introduced Mike Lewis, Project Manager of the St. Johns River Crossing Toll Feasibility Study. Fox

reviewed facts about the Enterprise and the extent of the Florida Turnpike Enterprise. He explained the evaluation criteria and the statutory test of economic feasibility. He displayed the new Sun Pass tags and said they were the first agency to introduce widespread retail distribution. He reviewed the District 2 Corridor Study Summary and reviewed the Feasibility Study assumptions. He also gave a breakdown of the economic analysis and compared the various proposed toll plans. He spoke on the possibility of developing financial partnerships, and gave examples of how they might work, outlining possible partnership opportunities. He then presented the next proposed steps.

(11:22 a.m.) Stern asked for the source of the traffic numbers he had quoted. Fox responded that it was from their current and future land use forecasts. Stern said there could be increased, numbers by the time everything was developed. Fox said there was possibly pent-up demand. Stern said it was important for the County to look at partnership opportunities.

(11:26 a.m.) Sandra Carpenter, 604 Pineland Lane, Jacksonville, President of St. Johns Citizens for Sound Improvement and also President of CSI Political Action Committee, commented on the feasibility of the various routes and endorsed the pink route. She emphasized the need for development of good, high paying jobs to help fund development, and stated the land donations were a critical oversight by DOT. She said they opposed the northern ramp.

(11:31 a.m.) Frances Ziolkowski, 260 Bell Branch Lane, Jacksonville, cited the June 12 Florida Times Union article and questioned some of the FDOT analysis, in that they were not comparing the same things. She asked for an explanation from FDOT on what she considered to be discrepancies.

(11:33 a.m.) Phyllis Abbatiello, 1133 River Birch Rd., Fruit Cove, said the NW Sector Plan Ordinance Book 29, page 423, stated, "additional needed roadway capacity across the St. Johns River shall be provided at the existing Shands Bridge." She said the Comp Plan followed that premise very closely. She cautioned that FDOT could not justify Popo Point, as the route would go through proposed subdivisions and DRIs already in existence and would affect more citizens than any other route. She said that option would stop before it reached I 95 and would go nowhere. She asked for the pink route or no route at all.

(11:38 a.m.) Nicholas Morris, 5661 Crosswinds Court, Orangedale, President Orangedale Community Association, asked the Board to consider a few facts before making their recommendation for the location of the beltway bridge. He said that area was growing rapidly and they had many signatures opposing the bridge through the 110-year-old community of Orangedale. He asked them to recommend the no build option or to build the bridge north of Orangedale.

(11:42 a.m.) Kim Kendall, 856 Eagle Point Dr., St. Augustine, said there should be a better option to open the Shands Bridge. She encouraged more communication between FDOT and the county residents. (11:45 a.m.) Stern said she agreed there was another option and that on June 28 the Board would discuss another route for the bridge.

(11:45 a.m.) Louise Thrower, 288 Orange Ave., said a closer examination of cost estimates was needed and gave a presentation on the various alternatives. She recommended a no build option, but if there had to be one, to consider a more southern approach.

(11:53 p.m.) Maguire said that on the June 28 meeting the Board would re-visit the issue of a proposed location for consideration.

(06/14/05 - 10 - 11:53 a.m.)

5. PUBLIC HEARING - REZ 2005-05 DAVIS OFFICE PARK REZONING - THIS IS A REQUEST TO REZONE 4.64 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI) FOR UP TO 35,450 SQUARE FEET OF OFFICE SPACE AND 4000 SQUARE FEET OF WAREHOUSE. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF LEWIS SPEEDWAY, WEST OF U.S. 1 NORTH AND IS IN MIXED USE LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. WATER AND SEWER WOULD BE PROVIDED BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS ARE OPEN RURAL (OR), INDUSTRIAL WAREHOUSE (IW), AND PUBLIC SERVICE (PS). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR MAY 5, 2005 MEETING

Proof of publication of the notice of public hearing on REZ 2005-05, Davis Office Park, was received, having been published in *The St. Augustine Record* on May 30, 2005.

Bruce Ford, Chief Planner, said there were no changes to the presentation other than the fact that the ex-parte block should have been checked. Maguire declared ex-parte communication with Mr. Davis with respect to a potential County purchase and the issue came up during the discussion.

(11:54 a.m.) Karen Taylor, 3070 Harbor Drive, stated she was representing Vernon Davis. There were no questions.

(11:54 a.m.) **Motion by Bryant, second by Stern, carried 4/0 with Stevenson absent, to enact Ordinance 2005-53, known as REZ 2005-05, Davis Office Park Rezoning, adopting Findings of Fact 1 thru 4 to support the motion.**

ORDINANCE NO. 2005-53

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

(06/14/05 - 10 - 11:55 a.m.)

6. PUBLIC HEARING - REZ 2005-24 FRANKLIN REZONING - THIS IS A REQUEST TO REZONE 1.28 ACRES FROM COMMERCIAL INTENSIVE (CI) TO OPEN RURAL FOR EXPANSION TO THE EXISTING SINGLE FAMILY HOME ON THE PARCEL. THE PARCEL IS LOCATED ON THE SOUTH SIDE OF FRUIT COVE ROAD, JUST WEST OF S.R. 13 AND IS IN RESIDENTIAL-B LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. ADJACENT ZONINGS ARE OPEN RURAL (OR), RESIDENTIAL SINGLE FAMILY (RS-2) AND COMMERCIAL INTENSIVE (CI). THE APPLICANT IS ALSO SEEKING A ZONING VARIANCE (ZVAR 2005-7) TO REDUCE THE SIDE SETBACK ON THE WEST FROM 10 FEET TO 7 FEET FOR THE ADDITION. AS CURRENTLY ZONED, RESIDENTIAL USES ARE NOT ALLOWED AND THE NON-CONFORMING STATUS OF THE PARCEL PREVENTS ANY EXPANSION OF THE SINGLE FAMILY HOME. THE

REZONING WILL REMOVE THE NON-CONFORMING STATUS AND WILL BE CONSISTENT WITH THE EXISTING USE OF THE PARCEL. THE APPLICANT ALSO OWNS THE PARCEL DIRECTLY TO THE EAST WHICH IS ALREADY ZONED OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 5 TO 0 AT THEIR JUNE 2, 2005 MEETING

Proof of publication of the notice of public hearing on REZ 2005-24, Franklin Residence, was received, having been published in *The St. Augustine Record* on May 13, 2005.

(11:55 a.m.) **Motion by Stern, seconded by Rich, carried 4/0 with Stevenson absent, to enact Ordinance 2005-54, known as REZ 2005-24 Franklin Rezoning, adopting Findings of Fact 1 thru 4 to support the motion.**

ORDINANCE NO. 2005-54

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

(06/14/05 - 11 - 11:56 a.m.)

7. PUBLIC HEARING - NZVAR 05-005 ROCCO R., BRANDY S. - A NON-ZONING VARIANCE TO SECTION 6.04.07.B.1 OF THE LAND DEVELOPMENT CODE TO ALLOW MORE THAN TWO (2) RESIDENTIAL DWELLING UNITS ON AN EXISTING THIRTY (30) FOOT WIDE EASEMENT WITHOUT HAVING TO COMPLY WITH PART 6.04.00 (ROADWAY, DRAINAGE & UTILITIES STANDARDS). THE APPLICANT DESIRES TO MOVE A MANUFACTURED HOME ONTO PROPERTY OWNED BY FAMILY MEMBERS FOR THEIR RESIDENTIAL USE. A NON-ZONING VARIANCE IS REQUIRED INASMUCH THAT THE PROPOSED ACCESS EASEMENT IS NON-EXCLUSIVE AND IS USED TO SERVICE OTHER RESIDENCES SIMILAR TO THE PROPOSED. THE APPLICANT REQUESTS RELIEF FROM THE REQUIREMENTS FOR THE COMPLIANCE WITH THE ST. JOHNS COUNTY ROADWAY CONSTRUCTION STANDARDS AS REQUIRED BY SJCLDC PART 6.04.00 (ROADWAY, DRAINAGE, & UTILITIES STANDARDS)

Proof of publication of the notice of public hearing on NZVAR 05-005, Rocco R., Brandy S., was received, having been published in *The St. Augustine Record* on May 30, 2005.

(11:56 a.m.) Isabelle Lopez entered the meeting.

(11:57 a.m.) Deloria Scofield, 3300 Pacetti Rd., Lot G, said she was the owner of the property. She stated her daughter lived on the property and she would like for her other daughter to move onto the property. She said she had paid taxes on the 4 acres for over 25 years and she should have the right to allow her daughter to live there. She said other people had recently moved onto adjacent properties and she had never been consulted in that regard.

(11:59 a.m.) Charles Kohler, P.E. Development Review Chief, said the access easement was a non-exclusive easement used by several residents in the area and the road was in poor condition and staff did not recommend approval because of that. He said there

was not a maintenance agreement and no owner's association to do the roadwork. He noted that other homeowners in the area had said they did not want to pave the road and wanted it to stay the way it was. He read a letter from the Pierson's describing the poor condition of the roadway. He said the individual property owners owned the easement.

(12:03 p.m.) Bosanko said this was a continuing problem with unmaintained dirt road and the counties inability to have access to provide services to people's homes. He said the County needed to be sure there was some way the road would be maintained in order for safety vehicles to access the road to provide whatever services might be needed. He said there were legal avenues that could be pursued, including the establishment of a homeowners' association. He said the County could also establish a maintenance center. (12:06 p.m.) Lopez spoke about the county MSBU Master Ordinance for paving dirt roads in which the owner would give the road to the county in exchange for having the road paved. She said each property owner would be assessed and that would become a full county road. (12:09 p.m.) Bryant asked if Fire Service or EMS had physically reviewed the road. Kohler said if the request was approved, a requirement for a fire hydrant would have to be installed within 500 feet of all the lots meeting National Fire Code 11142, which applies to suburban and rural firefighting. He said they did not make any comment about the width of the access, which typically would be 20 feet. He said the necessary width requirement was present at that site, but there was no turn around except for on private property. (12:11 p.m.) Stern asked about the number of access points. Kohler said there were 13 points now according to residents and the code requirement kicked in at 2 points. She asked how it could have been allowed. She said she could understand the frustration of the property owners and that we should encourage the property owners to look at some of the options presented. (12:14 p.m.) Lopez said they would have to have 100 percent participation for the owners to give the road to the county so they could pave it. She said they could pursue the MSBU, to build a full public road.

(12:15 p.m.) Scofield stated that emergency vehicles had been able to access the road. She said they were currently paying someone to maintain the road and that the neighbors were cooperative in allowing others to pass. (12:17 p.m.) Stern asked if it was the number of access points or the number of residences that was causing the problem. Kohler responded it was the number of residences. (12:17 p.m.) Rich asked if they would be willing to give up their easement. Scofield said she would, but Mr. Pierson probably would not grant an easement on his property. (12:19 p.m.) Rich asked if there was any known vehicle that was unable to access the property. Kohler said, not to his knowledge.

(12:21 p.m.) Bryant asked if her daughter moving there was to alleviate a hardship. Schofield said it was because her husband was ill and the daughter was moving there to take care of them.

(12:22 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Stevenson absent, to approve NZVAR 2005-005, based upon the evidence provided for all of the five Findings of Fact.** Further discussion ensued.

The meeting recessed at 12:25 p.m. and reconvened at 1:46 p.m. with Maguire, Bryant, Stern, Rich, Adams, Bosanko, and Deputy Clerk Yvonne King present.

(06/14/05 - 13 - 1:46 p.m.)

8. PUBLIC HEARING - NZVAR 05-004 TOCOI JUNCTION - THE APPLICANT IS IN THE PROCESS OF PLATTING A PROPOSED RESIDENTIAL SUBDIVISION ON CR 214 BETWEEN CARTER ROAD AND I-95 ON THE SOUTH SIDE OF THE ROADWAY AND DESIRES THE FOLLOWING: A NON-ZONING VARIANCE TO SECTION 6.04.07.H.1 OF THE LAND DEVELOPMENT CODE TO ELIMINATE THE REQUIREMENT TO CONSTRUCT SIDEWALKS ON A COUNTY MAJOR OR MINOR COLLECTOR. THE REQUEST ALSO INCLUDES A WAIVER FROM HAVING TO PAY INTO THE SIDEWALK FUND AS REQUIRED BY SECTION 6.04.07.H.2 OF THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on NZVAR 05-004, Tocoï Junction, was received, having been published in *The St. Augustine Record* on May 17, 2005.

Charles Kohler, Development Review Chief Engineer, explained the zoning request was to be exempt from the requirement of building sidewalks and paying into the sidewalk fund. Discussion followed regarding the sidewalks. (1:53 p.m.) Bill Brown, 103 Yacht Club Drive, Applicant, further addressed the variance request. (1:55 p.m.) **Motion by Stern, seconded by Rich, to approve NZVAR 2005-004 based upon the evidence provided for all of the five findings of fact that were attached in the staff report, which was approving the request to not install sidewalks, but denying the request to waive the payment into the sidewalk fund.** Discussion followed on paying into the sidewalk fund. (1:58 p.m.) **The motion carried 4/0 with Stevenson absent.**

(06/14/05 - 13 - 2:00 p.m.)

9. PUBLIC HEARING - ORDINANCE REPEALING SECTION III(8)(B)(5) OR ST. JOHNS COUNTY ORDINANCE 95-63 (ST. JOHNS COUNTY CABLE TELEVISION ORDINANCE) - ST. JOHNS COUNTY ORDINANCE 95-63 IS THE ST. JOHNS COUNTY CABLE TELEVISION ORDINANCE. SECTION III(8)(B)(5) OF ORDINANCE 95-63 STATES THAT: "GRANTOR [NOTE THIS IS A TYPOGRAPHICAL ERROR AND SHOULD BE 'GRANTEE'] SHALL NOT SELL ANY INTEREST TO, OR ACQUIRE ANY COMPETING VIDEO SERVICE PROVIDER OR OTHER CABLE TV SYSTEM OPERATING IN THE TERRITORIAL LIMITS, DURING THE TERM OF THE FRANCHISE ISSUED PURSUANT TO THIS ORDINANCE OR ANY EXTENSION THEREOF." LITESTREAM TECHNOLOGIES AND TIME WARNER CABLE HAVE REQUESTED THAT SECTION III(8)(B)(5) OF ORDINANCE 95-63 BE REPEALED SO THAT UNDER CERTAIN CONDITIONS FRANCHISED CABLE OPERATORS MIGHT BE ABLE TO ACQUIRE COMPETING CABLE SYSTEMS WITHOUT THE NECESSITY OF SECURING PRIOR APPROVAL OF THE COUNTY. BOTH LITESTREAM TECHNOLOGIES AND TIME WARNER CABLE BELIEVE THAT PRIOR APPROVAL FROM THE COUNTY IS NOT REQUIRED, IN LIGHT OF THE FACT THAT THE COUNTY ALREADY HAS REGULATORY AUTHORITY OVER SUCH FRANCHISED CABLE SYSTEMS. STAFF BELIEVES THE REPEAL OF SECTION III(8)(B)(5) OF ORDINANCE 95-63 WILL NOT NEGATIVELY IMPACT THE MATERIAL CABLE AND TELECOMMUNICATIONS INTERESTS OF THE COUNTY OR ITS RESIDENTS, IN LIGHT OF THE FACT THAT MULTIPLE CABLE AND TELECOMMUNICATIONS INTERESTS REMAIN FOR RESIDENTS LIVING WITHIN THE COUNTY

Proof of publication of the notice of public hearing on the ordinance regarding cable television franchise was received, having been published in *The St. Augustine Record* on May 27, 2005.

Michael Hunt, Deputy County Attorney, explained the proposed ordinance relating to cable television. (2:03 p.m.) **Motion by Rich, seconded by Stern, carried 4/0 with Stevenson absent, to enact Ordinance No. 2005-55, repealing Section III(8)(B)(5) of St. Johns County Ordinance No. 95-63.**

ORDINANCE NO. 2005-55

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, PROVIDING FOR THE REPEAL OF SECTION III(8)(B)(5) OF ST. JOHNS COUNTY ORDINANCE 95-63 (THE ST. JOHNS COUNTY CABLE TELEVISION ORDINANCE); PROVIDING FOR FINDINGS; PROVIDING FOR THE CONTINUING VIABILITY AND APPLICABILITY OF ALL OTHER PROVISIONS OF ST. JOHNS COUNTY ORDINANCE 95-63; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

(06/14/05 - 14 - 2:04 p.m.)

10. CONSIDER ADOPTING A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND LITESTREAM HOLDINGS, LLC, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AMENDMENT TO THE FRANCHISE AGREEMENT, ON BEHALF OF THE COUNTY

Hunt explained the proposed resolution. (2:05 p.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stevenson absent, to adopt Resolution No. 2005-160, approving the terms, provisions, conditions, and requirements of an Amended Cable Television Franchise Agreement between St. Johns County, Florida, and Litestream Holdings, LLC, and authorizing the County Administrator to execute the Amendment to the Franchise Agreement, on behalf of the County.**

RESOLUTION NO. 2005-160

A RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AMENDED CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND LITESTREAM HOLDINGS, LLC, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTIVE THE AMENDMENT TO THE CABLE TELEVISION FRANCHISE AGREEMENT, ON BEHALF OF ST. JOHNS COUNTY

(06/14/05 - 14 - 2:05 p.m.)

11. CONSIDER APPOINTMENTS TO THE RECREATION ADVISORY BOARD

Melissa Lundquist, Administrative Coordinator, explained that there were three vacancies on the Recreation Advisory Board. (2:08 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Stevenson absent, to appoint Pamela Kessler to the Recreation Advisory Board for a partial term scheduled to expire June 24, 2007, representing District Four.** (2:09 p.m.) Motion by Stern to appoint Ashley Berg to the Recreation Advisory Board for a partial term scheduled to expire June 22, 2008. The

motion died for lack of a second. (2:11 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stevenson absent, to reappoint Alfred Guido to the Recreation Advisory Board for a full four-year term scheduled to expire April 24, 2009.** (2:12 p.m.) **Motion by Rich, seconded by Stern, carried 4/0 with Stevenson absent, to appoint Fred Harris to the Recreation Advisory Board for a partial term scheduled to expire June 22, 2008, representing District Three.**

(06/14/05 - 15 - 2:17 p.m.)

12. PRESENTATION OF THE MASTER RECREATION & PARK PLAN

Dan Weimer, Director of Recreation and Parks, gave a PowerPoint presentation regarding the Master Recreation and Parks plan, which included: what makes an excellent park system; the purpose of the Master Recreation Plan; objectives of the Master Recreation Plan; a 5-year recreation plan; future recreation needs; population projections; the key findings of the study; and citizen input. Weimer concluded by explaining the recommendations in the plan. Discussion followed on the park acreage needed by 2025 by Planning District. (2:38 p.m.) Ken Prevaling, President of Ergonomics Consulting Firm, explained how the population projections were developed.

(2:44 p.m.) Cathy Brown, Council on Aging, 180 Marine Street, commented on recreation for the elderly.

(2:48 p.m.) Ashley Berg, 151 Santa Monica Avenue, representing the Ancient City Soccer Club, made a presentation regarding the needs and goals of the Ancient City Soccer Club.

(2:54 p.m.) Barbara Hendee, 480 Diosa Court, presented a petition for community pools signed by 675 residents, which was organized by the League of Women Voters of St. Johns County.

(2:56 p.m.) Joanne Engelbert, 789 Captain's Dr., commented on the need for swimming pools around the County.

(2:59 p.m.) Robin Nadeau, 26 Mickler Blvd., commented on the need for swimming pools around the county; suggested they be located near schools.

(3:00 p.m.) Alfred Guido, 104 Dogwood Drive, commented on the Master Recreation Plan, expressing the need for recreation in the County.

(3:02 p.m.) Darlene Schnittker, 3409 Kings Road S., commented on the need for swimming pools around the County.

(3:06 p.m.) William Rosenstock, 57 White Court, commented on the efforts to get rid of porta-pottys on the beach; requested showers be installed at St. Augustine Beach. Discussion followed on installing showers on the beach. (3:16 p.m.) Rosenstock requested the County distribute 20% of the beach tolls collected to the City of St. Augustine Beach to build beach showers and public restroom facilities.

(3:22 p.m.) Maguire asked Weimer if he was familiar with the Water Management District overflow capacity area in Hastings near the Equestrian Center; asked if the Recreation Department could use that area for recreational use. Weimer said they are inquiring about it.

(3:23 p.m.) Maguire asked if the new church on the SR 16 property could be used for recreational use. Weimer responded that they had inquired about it.

The meeting recessed at 3:23 p.m. and reconvened at 3:33 p.m.

(06/14/05 - 16 - 3:33 p.m.)

13. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO PURCHASE ONE (1) 400KW DIESEL GENERATOR, ONE (1) 300KW DIESEL GENERATOR, AND ONE (1) 100KW DIESEL GENERATOR FROM THE LOWEST RESPONSIVE BIDDER, CUMMINS SOUTHEASTERN POWER, IN THE AMOUNT OF \$183,122.00 (Formerly Consent Agenda Item #17)

Rich commented on the use of diesel vs. propane for the generators. (3:34 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stevenson absent, to authorize the County Administrator, or his designee, to purchase one (1) 400KW Diesel Generator, One (1) 300KW Diesel Generator, and One (1) 100KW Diesel Generator from the lowest responsive bidder, Cummins Southeastern Power, in the amount of \$183,122.00.**

(06/14/05 - 16 - 3:35 p.m.)

14. ST. JOHNS COUNTY TOURIST DEVELOPMENT COUNCIL ADVERTISING SERVICES REQUEST FOR QUALIFICATIONS

Glenn Hastings, Executive Director for the Tourist Development Council, was present. (3:36 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Stevenson absent, to approve the RFQ from the TDC for the advertising services for St. Johns County TDC.**

(06/14/05 - 16 - 3:37 p.m.)

OTHER BUSINESS

Bosanko requested the Board consider setting another shade meeting for DOAH Case No. 03-4764 GM. (3:37 a.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stevenson absent, to instruct the County Attorney to pursue possible settlement options with the Department of Community Affairs, in conjunction with the developer, and schedule a follow-up shade meeting for Tuesday, August 9th at 8:00 a.m. in order to discuss settlement options and the cost of litigation related to the lawsuit, Department of Community Affairs vs. St. Johns County, DOAH Case No. 03-4764 GM.**

(06/14/05 - 16 - 3:38 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stern:

No report.

(3:38 p.m.)

Commissioner Rich:

Rich requested the Board discuss changing the number of county commissioners from five to seven. Discussion followed. (3:43 p.m.) **It was the consensus of the Board to address this issue during the Spring, 2006; also at that time have the Supervisor of**

Elections explain the process. (3:45 p.m.) Rich requested that term limits for county commissioners also be discussed at that time.

Rich commented on campaign finance reform.

(3:45 p.m.)

Commissioner Bryant:

No report.

(3:46 p.m.)

Commissioner Maguire:

Maguire requested the Board address the RFP/RFQ process.

Maguire requested the Civic Roundtable's recommendations presented at today's meeting be discussed at the next staff meeting.

Maguire suggested each commissioner submit their priority projects to county administration on the legislative plan so that they could be placed on the next commission meeting agenda for discussion.

Maguire requested information regarding the possibility of purchasing development rights on farmland.

Maguire informed the public that Staff is currently exploring options regarding glass recycling.

Maguire informed the Board that Nassau County has adopted a gas tax increase by 5¢ per gallon.

Maguire introduced Michelle Barr of Senator Nelson's office.

Maguire announced that the Army has awarded a contract to the Great Lakes Dredge and Dock Company in Oakbrook, IL for approximately \$14.64 million for the St. Johns Shore Protection Project for beach renourishment. The estimated completion date is November 9, 2005.

Maguire announced the 8th Annual Regional Summit on Veterans Affairs issues scheduled for Wednesday, June 22, 2005.

Maguire announced Margaret Laidlaw's birthday.

(06/14/05 - 17 - 3:52 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams addressed restroom facilities on St. Augustine Beach.

Adams addressed the staffing of the BCC office; said it was scheduled to be discussed at the next meeting.

Adams commented on the County Departments being audited; questioned the Board if it wanted an outside auditor or use the Clerk of Courts audit department. *It was the consensus of the Board to use an outside auditor.*

(06/14/05 - 18 - 3:57 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(06/14/05 - 18 - 3:58 p.m.)
CLERK OF COURT'S REPORT

No report.

(3:58 p.m.) Motion by Bryant, seconded by Rich, carried 4/0 with Stevenson absent, to adjourn. With there being no further business to come before the Board, the meeting adjourned at 3:58 p.m.

REPORTS:

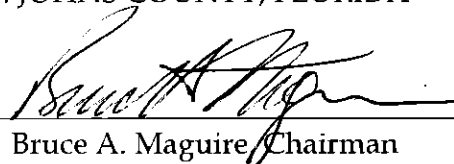
1. St. Johns Board of County Commissioners Check Register; approving checks 368241 through 368271 totaling \$53,035.53 (05/27/05)
2. St. Johns Board of County Commissioners Check Register; approving checks 368272 through 368274 totaling \$2,159.20 (05/31/05)
3. St. Johns Board of County Commissioners Check Register; approving checks 368275 through 368789 totaling \$2,752,303.30 (06/01/05)
4. St. Johns Board of County Commissioners Check Register; approving checks 368790 through 368795 totaling \$132,316.71 (06/02/05)

CORRESPONDENCE:

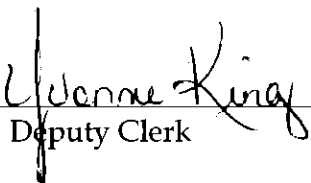
1. Letter to the Secretary of State filing Ordinance No. 2005-52 (06/07/05)

Approved July 12, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk