

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
SEPTEMBER 6, 2006  
(9:00 A.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida.

Present were: James E. Bryant, District 5, Chairman  
Karen R. Stern, District 2  
Ben Rich, District 3  
Bruce A. Maguire, District 4  
Ben W. Adams, Jr., County Administrator  
Patrick McCormack, County Attorney  
Laura Barrow, Assistant County Attorney  
Terry Bulla, Deputy Clerk

Absent: Cyndi Stevenson, District 1, Vice Chair

(09/06/06 - 1 - 9:06 a.m.)  
Chairman Bryant called the meeting to order.

(09/06/06 - 1 - 9:06 a.m.)  
ROLL CALL

Bryant announced that Bryant, Stern, Rich and Maguire were present with Stevenson out of town.

(09/06/06 - 1 - 9:06 a.m.)  
Rich gave the invocation, and Maguire led the Pledge of Allegiance.

(09/06/06 - 1 - 9:07 a.m.)  
PUBLIC COMMENT

Joe Burch, County Purchasing Manager, announced a public surplus auction, Saturday, September 9 at 9:00 a.m. He said there were 40 or 50 pieces of rolling stock available.

(9:09 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, stated that she had received calls regarding yesterday's meeting and Bryant's statement regarding asking the County to pay for his legal fees. She said citizens should not have to pay for the commissioners' legal bills and it would be a terrible precedent to set.

(9:10 a.m.) Mary Kohnke, 29 S. Roscoe, spoke regarding the election fraud complaint filed as reported in *The St. Augustine Record*. She alleged violations of the Administrative Code 405.5, 405.7, and 106.3. She said she wanted to be sure the violations would be handled properly.

(09/06/06 - 1 - 9:12 a.m.)  
ADDITIONS/DELETIONS TO SPECIAL MEETING AGENDA

Rich asked that a full board be present for item No. 4 and recommended delaying a decision. There was discussion as to whether to delay or not. Michael Hunt, Deputy

County Attorney, said the applicant had not made a request to postpone it and they would like to have the matter expedited.

(9:15 a.m.) Brian Kabtznick, 701 Market Street, Philadelphia, PA, on behalf of SMG, said timing was of a critical importance and it was a \$6 million decision. He said they would agree with a delay. The Board agreed to continue Item No. 4 until the September 19, 2006 meeting, as Item No. 1.

Bryant stated that Commissioner Stevenson had requested that Item No. 5 be pulled until the September 19 meeting so that she could be present for the discussion and the vote. *There was consensus by the Board to do so.*

(09/06/06 - 2 - 9:17 a.m.)

#### APPROVAL OF SPECIAL MEETING AGENDA

**Motion by Stern, seconded by Maguire, carried 4/0 with Stevenson absent, to approve the special meeting agenda as amended.**

(09/06/06 - 2 - 9:18 a.m.)

1. PUBLIC HEARING - EXTENSION OF SUMMER HAVEN BUILDING PERMIT MORATORIUM ORDINANCE - 1ST OF 2 REQUIRED PUBLIC HEARINGS - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS OF THIS ORDINANCE. THE SECOND PUBLIC HEARING IS SCHEDULED AT 5:30 P.M. SEPTEMBER 26, 2006. ON MAY 4, 2005, THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA DIRECTED COUNTY STAFF TO CEASE APPROVALS OF BUILDING PERMITS IN A PORTION OF THE AREA DESCRIBED AS SUMMER HAVEN (BLOCKS 3 THROUGH 65), AND ON JUNE 6, 2005, THE BOARD DIRECTED STAFF TO PREPARE A BUILDING PERMIT MORATORIUM ORDINANCE FOR THE SUBJECT AREA AND REQUESTED THAT STAFF RESEARCH ENGINEERING AND CONSTRUCTION FINANCING OPTIONS. THE MORATORIUM SHALL REMAIN IN EFFECT UNTIL THE COUNTY RECEIVES, FINDS FEASIBLE, AND IMPLEMENTS A SUMMER HAVEN INFRASTRUCTURE FINANCING PLAN, AND INFRASTRUCTURE REASONABLY REQUIRED TO MEET THE HEALTH, SAFETY AND WELFARE OF THE SUBJECT AREA TO THE REASONABLE SATISFACTION OF THE COUNTY COMMISSION IS IN PLACE, BUT NO LATER THAN MIDNIGHT ON OCTOBER 1, 2006 WITH THE PROVISIO THAT THE BOARD, SHALL BY ORDINANCE(S), TERMINATE ALL OR PORTIONS OF THE MORATORIUM AT SUCH SOONER TIME(S) AS THE BOARD DETERMINES THAT THE PUBLIC NEED FOR A MORATORIUM ON SUCH PORTION(S) NO LONGER EXISTS; AND THE PROVISIO THAT THIS MORATORIUM MAY BE EXTENDED BY ORDINANCE IF REASONABLY REQUIRED TO MEET THE HEALTH, SAFETY AND WELFARE OF THE SUBJECT AREA. ORDINANCE NO. 2005-85 WAS ENACTED BY THE BOARD ON SEPTEMBER 13, 2005, WITH THE PROVISIO FOR EXTENSION BY ORDINANCE IF REASONABLY REQUIRED. SUCH EXTENSION IS DEEMED NECESSARY

Proof of publication for the notice of public hearing regarding the extension of Summer Haven Building Permit Moratorium Ordinance was received, having been published in *The St. Augustine Record* on August 29, 2006.

Janet Beason, Court Reporter was present.

Patrick McCormack, Assistant County Attorney, reviewed actions pertaining to the Summer Haven Building Permit Moratorium that had taken place over the last year, and why they requested the moratorium be extended; including potential engineering approaches, the timeline, and that \$30,000 had been expended on repairing the road in the specified area during the last 12 months. He reported that action had been taken towards creating a MSTU. He stated that litigation was in place against the County and the County Attorney's office had participated actively in that regard. He reviewed pictures of the affected area representing the condition of the Summer Haven area and the need for extending the moratorium.

(9:23 a.m.) Joe Stephenson, Public Works Director, stated that keeping any kind of traversable pathway open into the existing dwellings was a constant process. He noted that storms of any size would break through the berm, push sand over the existing roadway and wash out the road. He said the concerns were the same as they were last year, and the conditions had not changed since the moratorium had been put into effect.

(9:25 a.m.) Laura Barrow, Senior Assistant County Attorney, said she had talked with representatives at the DEP, which had a temporary person in the oversight position for the Summer Haven area. She said she had contacted DOT with regards to setting up a meeting to discuss issues related to, but not limited to, Old A1A with current SR A1A and the condition of the lagoon area to the west of the Summer Haven sandbar area.

(9:26 a.m.) McCormack stated that a moratorium could not be extended indefinitely. He said it was a very challenging situation and currently no solution had been found, as it was a complex regulatory process. He explained that it would be helpful to extend the moratorium for a one-year period, and asked them to consider that they may need to invest study funds to determine the best solution and whether it was viable or not. He said maintenance and repair funds were currently being spent and it would be helpful to determine whether this was the best course of action. Rich asked about an MSTU. McCormack said there was an MSTU and it would begin collecting funds in 2007 and it would not generate a great deal of money, probably less than \$100,000 the first year. He said the benefits should match the assessment and it would take some study to determine that.

(9:32 a.m.) Stephenson said the 2006 adopted budget included \$150,000 for long-term study of long-term options at Summer Haven. He said the decision to get funds from a MSTU or MSBU would have to be made by the Board. He noted that it was his understanding that the \$150,000 was fully refundable by an MSBU or an MSTU.

Rich said the option was to lift the moratorium or to keep it in place and do nothing. McCormack said if they kept the moratorium in place, they would need to diligently pursue options.

(9:34 a.m.) Danny Hernandez, attorney with Carlton Fields, 215 S. Monroe Street, Tallahassee, FL, stated that he represented 40 property owners at Summer Haven. He said they objected to the extension of the moratorium on several grounds. He said they had not been approached to discuss any solutions for funding of solutions, and said the County had not taken any meaningful steps to find solutions and funding for the project. He noted the moratorium had devalued their properties substantially, and that his clients had been damaged and would be further damaged if they chose to extend the moratorium, and that the court would agree with them. He asked the Board to talk with them and to try to work the problem out.

(9:37 a.m.) Barrow stated that the County had sent individual notices to each and every property owner in the area affected by the moratorium and regarding every meeting

including workshops pertaining to those issues and that they had all been publicly advertised.

(9:39 a.m.) McCormack respectfully advised Hernandez that during and before litigation they had been open to meeting with the homeowners and to trying to come up with solutions. He cited instances of meetings and invitations to individuals to meet with them. He said that pertaining to devaluation of property there were citizens who openly requested to meet with the Property Appraiser to see if there was some way to obtain tax relief.

(9:41 a.m.) Bryant agreed that they had done everything they could to relieve the property owners of the tax burden. Hernandez said his point was, that because the taxes had been reduced, the MSTU would not work, as it would not provide adequate financing. Rich said they would explore the possibility of an MSBU. Hernandez stated that the County owned the road and it was up to them to contact the appropriate State agencies in order to request funding. He said they wanted to work with the County as much as they could towards that end.

**(9:44 a.m.) Motion by Bryant, seconded by Maguire, carried 4/0 with Stevenson absent, to direct staff to schedule a second public hearing of the said Ordinance for September 26, 2006.**

Rich requested that legal staff explore the MSBU issue and be able to present their findings at the same time.

(09/06/06 - 4 - 9:45 a.m.)

2. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO AWARD A LUMP SUM CONTRACT IN THE AMOUNT OF \$1,644,000.00 TO THE LOW BIDDER, K.P. MEIRING COMPANY FOR BID # 06-104, CONSTRUCTION OF ANASTASIA ISLAND BRANCH LIBRARY

Mike Rubin, Director Construction Services, gave the presentation and the rationale for selecting K. P. Meiring Company to construct the Anastasia Island Branch Library.

Bryant said accepting the low bid from people they did not know, had bitten them in the past, and he hoped they had checked the company thoroughly. Rubin said they had checked and that their references checked out very highly, and they had interviewed Mr. Meiring personally. He said there were no guarantees but they had checked more thoroughly on this bid than any other. He stated that bonding was also adequate and in order. There was general discussion regarding concerns including project size, time line delays and satisfaction from previous clients.

(9:49 a.m.) Mary Kohnke, 29 South Roscoe, asked them to delay the entire project because the Southeast Library was supposed to take care of the southeast part of the county as well as the island. She said she had been told that Mr. McGarvey was supposed to donate the land, but that the County paid \$118,000 for the land, which was 10,000 square feet. She said the building was only 8,000 square feet, parking was totally inadequate, and someone needed to review the entire project again. She said it was not being built to Florida Library standards.

(9:53 a.m.) Maguire said he was opposed to the library, and asked if it was too far along to be revisited. Rubin said it was a tough call. He noted that they did pay for the property, there was a parking issue, but other costs had been saved because they had been paid for in the County's behalf. He said promises had been made to people in that area. Maguire said it was not a good site for a library as it was too small and there was

not adequate parking. Rubin said the library was approved in Tallahassee or they would not have approved the grant. He said other retail spaces were available for parking. Stern reminded area residents that the southeast library was built because of the great demand in the area with the understanding that there would be another library in the St. Augustine Beach area. She said the Library Advisory Board had been behind the project for as long as she could remember, and there have been problems but they had worked through them. (10:02 a.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Stevenson absent, to authorize the County Administrator or his designee, to award a lump sum contract in the amount of \$1,644,000.00 to low bidder, K.P. Meiring Company.**

(09/06/06 - 5 - 10:02 a.m.)

3. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO AWARD A LUMP SUM CONTRACT IN THE AMOUNT OF \$1,318,600.00 TO THE LOW BIDDER, R.B. GAY CONSTRUCTION COMPANY, INC FOR BID #06-114, CONSTRUCTION OF THE PROPERTY APPRAISER'S OFFICE EXPANSION

Mike Rubin, Director Construction Services, gave the presentation and the reasons they had chosen that contractor. (10:03 a.m.) **Motion by Stern, seconded by Rich, carried 4/0 with Stevenson absent, to authorize the County Administrator of his designee to award a lump sum contact in the amount of \$1,318,600.00 to the low bidder R. B. Gay Construction Company, Inc.**

(09/06/06 - 5 - 9:12 a.m.)

4. CONSIDER THE APPEAL OF SMG REGARDING THE BCC MOTION OF AUGUST 8, 2006 TO AWARD THE MANAGEMENT AND OPERATIONAL SERVICE OF THE ST. AUGUSTINE AMPHITHEATRE TO SIGNATURE ENTERTAINMENT

*This item was continued until the 09/19/06 meeting.*

(09/06/06 - 5 - 9:16 a.m.)

5. PROPOSED COUNTY ATTORNEY CONTRACT

*This item was continued until the 09/19/06 meeting.*

(10:05 a.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stevenson absent, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 10:05 a.m.

Approved September 19, 2006

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:

*Wenne King*

Deputy Clerk