

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 7, 2000
(1:30 P.M.)**

Proceedings of a special 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: James Bryant, District 5, Chair
Mary Kohnke, District 4, Vice Chair
Pal Howell, District 1
John Reardon, District 2
Marc Jacalone, District 3
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Yvonne King, Deputy Clerk

Also present were: Michael Givens, Chief Deputy-Finance

(03/07/2000 - 1 - 1:40 p.m.)

The meeting was called to order by Chair Bryant.

(03/07/2000 - 1 - 1:40 p.m.)

CONSIDER A TRANSFER OF \$214,000 FROM THE GENERAL FUND RESERVE TO THE SHERIFF'S OFFICE FOR THE EMERGENCY REPAIR OF THE JAIL'S ELECTRICAL SYSTEM

Joe Vonasek, Budget Officer, explained that recently, there was an electrical fire in a control cabinet that damaged some critical elements of the electrical systems that controls power to Control Tower "B" in the County Jail. Technical experts have recommended replacement of the damaged control panel, rather than its repair. The estimated cost of the repair is \$108,000. Other control panels are also being considered for repair at an additional \$106,000. The Sheriff has requested an appropriation in the amount of \$214,000 from the General Fund Reserves. (1:42 p.m.) Director Ned Hafner, Director of Corrections for the Sheriff's Office, further explained the requested repair. Discussion followed regarding surge protection. (1:48 p.m.) Vonasek concluded the discussion by saying the current balance in the General Fund Reserves is approximately \$3 million. (1:49 p.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to approve the transfer of \$214,000 from the General Fund Reserve to the Sheriff's Office for the emergency repair of the electrical system at the Jail.**

(03/07/2000 - 1 - 1:49 p.m.)

CONSIDER A WEST AUGUSTINE ECONOMIC DEVELOPMENT AGENCY GRANT OPPORTUNITY AND COMMUNITY REDEVELOPMENT AGENCY

Joe Stephenson, Director of Transportation and Housing, reviewed the grant opportunity for the economic development of West Augustine. Discussion followed regarding the grant opportunity, possible establishment of a Community Redevelopment Agency, and how grants are awarded. ***It was the consensus of the Board for Stephenson to bring back a plan to pursue the economic development grants.***

(2:26 p.m.) Jacalone left the meeting.

(03/07/2000 - 2 - 2:30 p.m.)

REQUEST FOR A HEARING FOR A PETITION TO ESTABLISH THE SAMPSON CREEK COMMUNITY DEVELOPMENT DISTRICT

Teresa Bishop, Planning Director, said the County has received a petition to establish the Sampson Creek CDD; then, explained the proposed CDD. Bishop requested the Board consider setting a public hearing to consider a recommendation regarding the petition to establish the Sampson Creek CDD or consider to not hear the petition to establish the Sampson Creek CDD in a public hearing in order to recommend to the Florida Land and Water Adjudicatory Commission (FLWAC). Discussion followed on the proposed CDD.

(2:38 p.m.) Cheryl Stuart, Hopping, Green, Sams, and Smith, 123 South Calhoun, Tallahassee, on behalf of the petitioner, said an administrative law judge will be coming to the County to hold a hearing on the petition; the judge will then submit its report to the FLWAC. (2:40 p.m.) **Motion by Kohnke, seconded by Bryant, carried 4/0 with Jacalone absent, to not hear the petition to establish the Sampson Creek CDD in a public hearing in order to recommend to the FLWAC; and that Staff be prepared to give input at the administrative hearing.**

(03/07/2000 - 2 - 2:40 p.m.)

PUBLIC HEARING – R-PUD-00-005, WHISPERING WOODS PUD. THIS REQUEST SEEKS TO REZONE 23.64 ACRES FROM OR (OPEN RURAL) TO PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW THE DEVELOPMENT OF UP TO TWO HUNDRED (200) MULTI-FAMILY AFFORDABLE HOUSING UNITS AND ASSOCIATED AMENITIES. THE PLAN OF DEVELOPMENT PROVIDES A MIX OF ONE, TWO AND THREE BEDROOM UNITS, AND AMENITIES INCLUDE A CLUB HOUSE, POOL, TOT LOT AND PLAYGROUND, VOLLEYBALL AND BASKETBALL HALF-COURT, AND A GRASSED MULTI-USE AREA

Proof of publication of the notice of public hearing on the rezoning, R-PUD-00-005, Whispering Woods PUD, was received having been published in The St. Augustine Record on February 21, 2000.

Sonya Doerr, Principal Planner, explained the request to rezone 23.64 acres from OR to PUD to allow the development of up to 200 multi-family affordable housing units and associated amenities. Discussion followed on how the proposed project will be connected to the 312 Extension. (2:47 p.m.) Karen Taylor, 3070 Harbor Drive, representing the Wilson Company, explained the proposed development; explained who would qualify to rent the apartments; reviewed the access, the right-of-way, impact to the neighbors, allowable densities. Taylor concluded by recommending approval of the project. Discussion followed regarding impact fee credits, wetlands, the high number of police calls to the development, and access to the project. (3:17 p.m.) Reardon left the meeting to attend a Canvassing Board meeting. (3:20 p.m.) **Motion by Howell, seconded by Kohnke, carried 3/0 with Jacalone and Reardon absent, to enact Ordinance No. 2000-15, adopting Findings of Fact A-E to support the motion.**

ORDINANCE NO. 2000-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR

**SPECIAL CONDITIONS; PROVIDING FINDINGS OF
FACT; PROVIDING A SAVINGS CLAUSE,
REQUIRING RECORDATION; AND PROVIDING
AN EFFECTIVE DATE**

(03/07/2000 - 3 - 3:21 p.m.)

CONSIDER A ROAD IMPACT FEE CREDIT AGREEMENT/WHISPERING WOODS

Bosanko suggested this item be removed from the agenda because it has not completed legal review for approval; it is not an appropriate mechanism to achieve the points it has been hoped it might achieve in the application process for the grant; therefore no action should be taken on the agreement today.

(3:23 p.m.) Bryant said Charles Waite would at this time submit an alternative proposal to the Road Impact Fee Credits.

(03/07/2000 - 3 - 3:24 p.m.)

Charles Waite, Consultant for the Wilson Company, explained why impact fee credits were sought. Waite explained the other alternative to impact fee credits; said the County would bid the goods and services and purchase them for the developer at a discounted cost from market value; said they have estimated a value of \$660,000 worth of goods and services over the next two to three years. Discussion followed regarding the alternative proposal; the County Administrator being required to sign a form certifying that this process would result in \$132,000 of savings to the project; the type of goods and services being requested.

(3:45 p.m.) **Motion by Kohnke, seconded by Bryant, carried 3/0 with Reardon and Jacalone absent, to continue this item until after the public hearing on the Julington Center PUD.**

The meeting thereupon recessed at 3:47 p.m. and reconvened at 3:53 p.m.

Reardon returned to the meeting at 3:53 p.m.

(03/07/2000 - 3 - 3:54 p.m.)

Motion by Kohnke, seconded by Howell, carried 4/0 with Jacalone absent, to return to the item which is the alternative proposal presented by Mr. Waite. Bryant said he spoke with Joe Burch, Purchasing Manager, and he was not comfortable with the alternative proposal. (3:55 p.m.) **Motion by Bryant, seconded by Kohnke, carried 4/0 with Jacalone absent, to reject the new proposal.**

(03/07/2000 - 3 - 3:57 p.m.)

CONSIDER A RESOLUTION AUTHORIZING EXPENDITURE OF SHIP FUNDS TO PAY CERTAIN IMPACT FEES AS A LOCAL GOVERNMENT CONTRIBUTION TOWARD ADDITIONAL FUNDING APPLICATION FOR AN AFFORDABLE RENTAL DEVELOPMENT

Judith Foxworth, SHIP Administrator, explained the resolution. (3:59 p.m.) **Motion by Reardon, seconded by Howell, carried 4/0 with Jacalone absent, to approve Resolution No. 2000-26, authorizing expenditure of SHIP funds to pay certain impact fees as a local government contribution toward additional funding application for an affordable rental development; the amount is \$225,000 to be spread over three years at \$75,000 per year.**

RESOLUTION NO. 2000-26

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, STATE**

OF FLORIDA, TO CONTRIBUTE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) FUNDS TOWARD PARTIAL PAYMENT OF IMPACT FEES IN ORDER TO ENCOURAGE CONSTRUCTION OF A SECOND AFFORDABLE RENTAL HOUSING DEVELOPMENT BY A NAMED DEVELOPER, AND PROVIDING AN EFFECTIVE DATE

(03/07/2000 - 4 - 4:00 p.m.)

5. PUBLIC HEARING – R-PUD-99-028 JULINGTON CENTER PLANNED UNIT DEVELOPMENT. THIS ITEM IS CONTINUED FROM THE FEBRUARY 8, 2000 MEETING. AT THAT MEETING, THE BOARD OF COUNTY COMMISSIONERS DIRECTED PLANNING STAFF TO MEET WITH THE PROPERTY OWNER AND HIS REPRESENTATIVES, AND RESIDENTS OPPOSED TO THE PROJECT TO ADDRESS ISSUES RELATED TO LIGHTING, BUFFERS AND ARCHITECTURAL STYLE

Proof of publication of the notice of public hearing on the rezoning, R-PUD-99-028, Julington Center PUD, was received having been published in The St. Augustine Record on February 21, 2000.

Sonya Doerr, Principal Planner, explained that Staff and the applicant, met with residents at the Bartram Trail Branch Library on Thursday, February 24, 2000 and addressed concerns of the residents regarding lighting, access, buffer, and architectural issues. The applicant has offered to make some additional changes to the proposed PUD as conditions of PUD approval. Jacalone returned to the meeting at 4:05 p.m. Kohnke declared ex-parte communication; adjacent property response forms. Discussion followed regarding wetlands. (4:10 p.m.) George McClure, 170 Malaga Street, said the conditions in the Staff report are conditions the applicant would accept. McClure then addressed the meeting with the residents; addressed the run-off concerns; submitted a resume of Karen Taylor; submitted the geotechnical report of Atlantic Geotechnical & Environmental Services, Inc.; submitted a reduced copy of the existing applicable St. Johns County Comprehensive Plan map. (4:18 p.m.) Marcy Catlin, 1500 Bishop Estates Road, addressed traffic concerns. (4:25 p.m.) Marshall Catlin, 1500 Bishop Estates Road, submitted the signatures of 165 residents who are opposed to the rezoning; then, commented in opposition to the project.

(4:31 p.m.) Ron Brown, 66 Cuna Street, representing the Bishop Estates Community Association, addressed the meeting the applicant had with the residents, and whether the area is in a commercial node.

(4:45 p.m.) Deputy Clerk Yvonne King left the meeting; Deputy Clerk Lenora Newsome entered the meeting.

(4:45 p.m.) Laverna Gutierrez, 323 Orange Avenue, spoke on the trees, and there being one road onto Orange Avenue.

(4:48 p.m.) Sarah Bailey, 2202 Bishop Estates Road, spoke on having enough commercial property, drainage problems, and the safety issue of access onto Orange Avenue.

(4:54 p.m.) Karyl Johnson, 275 Orange Avenue, spoke in opposition of this rezoning.

(4:55 p.m.) Dale Fletcher, 1757 Bishop Estates Road, spoke on needing an acceleration lane on Orange Avenue and the potential sale of alcohol in that area. She requested the rezoning be denied.

(4:58 p.m.) Debbie Jackson, 283 Orange Avenue, spoke in opposition of this rezoning.

(5:01 p.m.) Donald Dunham, 1476 Mallard Landing Blvd., mentioned having a petition of 246 signatures to deny the proposed zoning, a letter from Eugene and Virgie Medford, 291 Orange Avenue, to deny rezoning, a note from Mary Serial, 340 Orange Avenue, to deny rezoning. He also spoke on retention ponds and hazardous waste.

(5:07 p.m.) David Kaufman, 2103 Bishop Estates Road, spoke in opposition of this rezoning.

(5:09 p.m.) Wayne Houston, 2591 Bishop Estates Road, spoke in opposition of this rezoning.

(5:11 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of this rezoning.

(5:13 p.m.) Louise Thrower, 288 Orange Avenue, spoke about a letter she wrote to the Water Management District and not getting a correct response. She displayed maps and letters through the years 1990-1999, with audio-visual display. She requested denial of the rezoning.

(5:24 p.m.) McClure cross-examined Ms. Jackson on Mill Fields and on pedestrian accidents involving the Wesley Woods residents. Bosanko recommended Staff respond on the major issue raised, if the Comprehensive Plan considers this a commercial node. Teresa Bishop, Planning Director, briefly reviewed the history of the Comprehensive Plan and responded to Thrower's remarks. McClure explained what Bishop reviewed, with audio-visual display. He presented a letter dated April 24, 1998 from Heather Morris on the Arnold's property located within the Community Commercial Comprehensive Land Designation, spoke on the information submitted with the last application, stated that they are installing sidewalks along the west side of Orange Avenue and on the north side of Race Track Road, spoke on a letter dated February 29, 2000 from the Water Management District, and on a letter dated 1997 from the Corp of Engineers for verification to Scott Nelson stating he didn't need a permit and the verification expires after two years.

(5:45 p.m.) Brown spoke on the Arnold's property location in the already zoned area. He mentioned all the letters that they included and presented, mentioned the entrance and exit on Race Track Road from the north and the south, and stated the Board needs to decide the determination of where the commercial node is located, and if the application is sufficiently consistent with the existing development.

(5:52 p.m.) Bosanko stated that the Board must have competent and substantial evidence to support a denial. (5:54 p.m.) Motion by Reardon, to deny this application with the reasons being: the development of the subject project is not consistent with the St. Johns County Comprehensive Plan as stated with interpretation from Scott Clem when he was serving as the Planning Director, with a letter dated July 12, 1999, and his belief that this commercial node should not extend eastward further than the southerly boundary of the Food Lion Shopping Center, the commercial node should be based around the intersection as has been established, would be detrimental to the health, safety, and welfare of the surrounding area with the impact of sending traffic down residential streets, which are Bishop Estates Road and Orange Avenue, there is a high elderly population in the area, a line needs to be drawn that buffers residential from commercial, and rezoning this piece of property will make it too close to the residential neighborhoods. Bosanko questioned Reardon on the part of the motion, *the commercial node should not extend*, did he mean in his opinion that it does not extend. Reardon stated the ultimate decision of this interpretation would be the consideration of the Board of County Commissioners to either approve it or not. Bosanko asked Reardon to explain the high elderly population and if it was a compatibility problem and why. Reardon stated it would be a compatibility to the extent that it would attract a large amount of traffic that would not otherwise be attracted to even a residentially zoned piece of property. Bosanko requested Reardon to further describe his professed need for more of a buffer and why it is necessary. Reardon stated that this Board needs to dictate where that line of residential and commercial

will be drawn. Bosanko asked Reardon if his concerns about traffic, the buffer, and the compatibility with the elderly was a violation of Section 5.03.02 b location and d compatibility. Reardon answered yes. Motion seconded by Kohnke for discussion. Kohnke voiced her concern about the developer not coming up with a compromise of no exits at all on Orange Avenue. She spoke on the 25 foot buffer against the women's home being too small and totally incompatible with the adjacent homeowners. Bosanko asked Kohnke if it was her intention for intensity and compatibility to be included into the motion. Kohnke answered yes. Kohnke requested to include that the intensity of the fast food restaurant and the gas station is totally incompatible with the residential neighborhood. Bosanko recommended including Kohnke's request into the motion. Reardon agreed to include Kohnke's request into the motion. Discussion followed on this property being in the commercial node, the storm water runoff issue, having property rezoned, the entrances and exits of Race Track Road and Orange Avenue, the requirement of sidewalks, and making a kiddie park. Jacalone mentioned being better prepared to handle rezoning request after having the corridor study done. Bosanko stated the evidence Bishop gave about A, the use of Districts A in Comprehensive Plans, may give the Board reason to reconsider whether there is a violation of the Comprehensive Plan. He mentioned two things should be considered on the part of the motion about traffic, the level of service and traffic safety, which the courts would want expert evidence to support to use that to deny. Bryant called the question. (6:18 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/1 with Bryant opposed, to deny this application with the reasons being: the development of the subject project is not consistent with the St. Johns County Comprehensive Plan as stated with interpretation from Scott Clem when he was serving as the Planning Director, with a letter dated July 12, 1999, and his belief that this commercial node should not extend eastward further than the southerly boundary of the Food Lion Shopping Center, the commercial node should be based around the intersection as has been established, would be detrimental to the health, safety, and welfare of the surrounding area with the impact of sending traffic down residential streets, which are Bishop Estates Road and Orange Avenue, there is a high elderly population in the area, a line needs to be drawn that buffers residential from commercial, rezoning this piece of property will make it too close to the residential neighborhoods, and to include that the intensity of the fast food restaurant and gas station is totally incompatible with the residential neighborhood.**

Motion by Kohnke, seconded by Reardon, carried 5/0, to adjourn the meeting. The meeting thereupon adjourned at 6:51 p.m.

REPORTS:

1. St. Johns County Check Register, Disbursement Fund, checks number 285945 through 286485 totaling \$4,330,884.39 (03/03/00)

CORRESPONDENCE:

1. Statement of acceptance of appointment of Jaime Rojas to the Code Enforcement Board (02/08/00)
2. Oath of Office from Charles Usina of the Industrial Development Authority (02/10/00)
3. Statement of acceptance of appointment of Charles Usina to the Industrial Development Authority (02/14/00)
4. Loyalty Oath of Charles Usina of the Industrial Development Authority (02/14/00)
5. Statement of acceptance of appointment of J. Eugene Watson, Jr. to the Industrial Development Authority (02/14/00)
6. Statement of acceptance of appointment of Warren Michael, Jr. to the Code Enforcement Board (02/14/00)
7. Loyalty Oath of Warren Michael, Jr. of the Code Enforcement Board (02/15/00)
8. Loyalty Oath of J. Eugene Watson, Jr. of the Industrial Development Authority (02/15/00)
9. Oath of Office from J. Eugene Watson, Jr. of the Industrial Development Authority (02/15/00)

10. Letter from Patrick McCormack requesting copies of ordinances (02/18/00)
11. Memorandum from Supervisor of Elections indicating whether Charles Usina, Alfred Liotta, David Miller, Councilwoman Doris Fisher, and William McQuilkin are registered to vote in St. Johns County (02/23/00)
12. Memorandum from Supervisor of Elections indicating whether Eugene Watson, Jr., Al Schmidt, Warren Michael, Jr., Jaime Rojas, and James Kern are registered to vote in St. Johns County (02/23/00)
13. Letter to Dena Russ with enclosed certified copies of Intercoastal Utilities, Inc. records (02/23/00)
14. Letter to the Secretary of State filing Ordinances No. 2000-11, 12, 13, and 14 (02/24/00)
15. Oath of Office from John Regan of the Housing Finance Authority (02/25/00)
16. Letter to the Florida Department of Revenue with an enclosed certified copy of Resolution No. 2000-25 (02/28/00)
17. Letter to Sharon Outland, Property Appraiser, with an enclosed certified copy of Resolution No. 2000-25 (02/28/00)
18. Letter to Dennis Hollingsworth, Tax Collector, with an enclosed certified copy of Resolution No. 2000-25 (02/28/00)
19. Letter Representative Doug Wiles with an original set of the minutes of the Legislative Delegation meeting held on January 27, 2000 (02/28/00)
20. Certificate from County Attorney James Sisco certifying that Martha Taylor, Thomas Jackson, III, John Regan, James Swanson, and Willie Davis were appointed as members of the Housing Finance Authority (02/28/00)
21. Loyalty Oath of Jaime Rojas of the Code Enforcement Board (02/28/00)
22. Letter to Gloria Myers informing her of her appointment to the Scenic Highway A1A Committee (02/29/00)
23. Letter to Keith Clark informing him of his appointment to the Scenic Highway A1A Committee (02/29/00)
24. Letter to David Lagarce informing him of his appointment to the Tourist Development Council (02/29/00)
25. Letter to Victor Martinelli informing him of his appointment to the Water and Sewer Authority (02/29/00)
26. Letter to Brenda Drito informing her of her reappointment to the Ponte Vedra Zoning and Adjustment Board (02/29/00)
27. Letter to Robert Cameron informing him of his reappointment to the Ponte Vedra Zoning and Adjustment Board (02/29/00)
28. Letter to John Regan informing him of his appointment to the Housing Finance Authority (02/29/00)
29. Letter to the St. Johns River Water Management District with certified copy of Resolution No. 2000-14 (03/06/00)

Approved March 21, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk