MINUTES OF THE REGULAR MEETING BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA NOVEMBER 6, 2001 9:00 A.M.

Proceedings of the 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: Marc Jacalone, District 3, Chair

James E. Bryant, District 5, Vice-Chair

Nicholas Meiszer, District 1 John Reardon, District 2 Mary Kohnke, District 4

Ben W. Adams, Jr., County Administrator Dan Bosanko, Deputy County Attorney

Robin Platt, Deputy Clerk

Also present: Allen MacDonald, Director of Finance, Clerk of Courts

(11/06/01 - 1 - 9:01 a.m.)

The meeting was called to order by Chair Jacalone.

(11/06/01 - 1 - 9:01 a.m.)

The invocation was given by Reverend Curtis Murray. The pledge of allegiance was led by Meiszer.

(11/06/01 - 1 - 9:03 a.m.) ROLL CALL

The roll was called by the Deputy Clerk.

(11/06/01 - 1 - 9:03 a.m.) PUBLIC COMMENT

Carmen DeJoy, 340 Seabreeze Ave., presented a visual display regarding the drainage and roadway conditions in his neighborhood. He also presented a board with spikes that was placed in his driveway when he complained about the speeding in the neighborhood. Jacalone asked Adams to look into the situation.

(9:10 a.m.) Don House, 183 North Roscoe Blvd., asked for an accounting of his tax bill regarding the \$123.20 for the Airport Authority and \$226.08 for the St. Johns River Water Management District. Jacalone commented that those agencies were created by the State of Florida and are therefore out of the County's jurisdiction. He suggested that Mr. House contact his State Legislatures. Meiszer commented that he feels that the Airport Authority should be self supporting and recommended to Mr. House that he attend the next Airport Authority meeting.

Lopez entered the meeting at 9:15a.m..

(9:23 a.m.) Dante Salamone, 5225 Datil Pepper Rd., commented on the Volusia County hurricane plan versus St. Johns County's plan in regard to pets, special needs and shelter locations. He requested a more complete disaster plan.

Lopez left the meeting at 9:26 a.m..

(9:33 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the St. Johns County Audubon Society, passed out and commented on a handout regarding trees and gave an update on the Fish Island eagles. Kohnke acknowledged and congratulated Mr. Van Ghent on being elected to the State of Florida Audubon Board.

(9:38 a.m.) Edwin Taylor, 3665 Crazy Horse Trail, commented on the Veteran's Council activities and asked the Board to consider a request to rename the plaza at the St. Johns Health and Human Services Building Veteran's Plaza.

(11/06/01 - 2 - 9:47 a.m.)

PROCLAMATION DECLARING NOVEMBER 10, 2001 AS A DAY OF DECISION FOR HOSPICE

Jacalone, on behalf of the Board of County Commissioners, read and presented Betty Crosby and Charlene Beymer, of Community Hospice of Northeast Florida, with a proclamation recognizing November 10, 2001 as a day of decision.

(11/06/01 - 2 - 9:52 a.m.)

PROCLAMATION DECLARING NOVEMBER 10TH – 18TH, 2001 AS HUNGER AND HOMELESS AWARENESS WEEK

Reardon, on behalf of the Board of County Commissioners, read and presented to Reverend Curtis Murray and Reverend Donovan Tinsley a proclamation declaring November 10th – 18th, 2001 Hunger and Homeless Awareness Week.

(11/06/01 - 2 - 9:58 a.m.)

PROCLAMATION DECLARING NOVEMBER 11TH -17TH, 2001 AS ST. JOHNS COUNTY STORYTELLING WEEK

Bryant, on behalf of the Board of County Commissioners, read and presented to Betty Farrell, Jane Simms and Rita Sapin of Taletellers of St. Augustine, a proclamation declaring November 11th –17th, 2001 as St. Johns County Storytelling Week.

(11/06/01 - 2 - 10:04 a.m.)

Motion by Jacalone, seconded by Reardon, carried 5/0, to adopt all proclamations presented.

(11/06/01 - 2 - 10:04 a.m.) DELETIONS TO CONSENT AGENDA

Jacalone requested that item #1 be moved from the Consent Agenda to the Regular Agenda as Item A.

(11/06/01 - 2 - 10:05 a.m.) APPROVAL OF CONSENT AGENDA

Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the Consent Agenda, as amended, as follows:

1. Approval of the Cash Requirement Report. (*Item was moved from the Consent Agenda and added to the Regular Agenda as Item A*).

2. Approval of Minutes:

08/09/01 - Joint BCC / School Board Redistricting Meeting

10/09/01 - BCC Regular Meeting

10/16/01 - BCC Regular Meeting

3. Sheriff's Bonds:

Approve: Matthew S. Barcal Approve: Carol A. Bishop

Approve: Margaret H. Chevalier

Approve: Marie A. Gauthier

Approve: Lori L. Schwartz

Approve: Zetea L. Washington

Approve: Regina Ammons

Approve: Anthony Attanasio

Approve: Robert Hoisington, Jr.

Approve: Grace Hudson

Approve: Robin Knight

Approve: Mary Marshall

Approve: Kimberly Mathews

- 4. Motion to direct the County Administrator, or his designee, to enter into a contract with Cingular Interactive, L.P. in accordance with the provisions of Bid No. 01-82 (Lease Space of Space at 179' level on Communications Tower in Ponte Vedra).
- 5. Motion to direct the County Administrator to execute a Joint Participation Agreement between the First Coast Metropolitan Planning Organization and St. Johns County authorizing the provision of assistance in developing the 2025 Long Range Transportation Plan and other general assistance.
- 6. Motion to adopt a **Resolution 2001-206** accepting a Temporary Access Easement to a Communications Tower site located off County Road No. 16-A.

RESOLUTION NO. 2001-206

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF COUNTY ROAD NO. 16-A.

7. Motion to adopt a **Resolution 2001-207** accepting a Temporary Drainage Easement from Marshall Creek, Ltd., a Florida Limited Partnership, to St. Johns County for drainage purposes.

RESOLUTION NO. 2001-207

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TEMPORARY DRAINAGE EASEMENT FROM MARSHALL CREEK, LTD., A FLORIDA LIMITED PARTNERSHIP, TO ST. JOHNS COUNTY FOR DRAINAGE PURPOSES

8. Motion to adopt a **Resolution 2001-208** accepting an easement for Utilities for water and sewer service to the Meadows at St. Johns Phase One Subdivision.

RESOLUTION NO. 2001-208

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER AND SERVICE TO THE MEADOWS AT ST. JOHNS PHASE ONE SUBDIVISION

9. Proofs:

- a. Proof, Corrected Notice of Special Joint Meeting, St. Johns County Board of County Commissioners & School Board, October 18, 2001.
- b. Proof, Notice of Canceled Meeting, Special Joint Meeting, St. Johns County Board of County Commissioners & School Board, October 18, 2001.
- c. Proof, Public Notice of Hearing, Value Adjustment Board, October 18, 2001.
- d. Proof, Public Notice of Hearing, Value Adjustment Board, October 25, 2001.
- e. Proof, St. Johns County 2002 Session of Florida Legislature: Bill to be entitled.
- f. Proof, Certificate of Insurance, Core Employer Services, Inc. and Omni Outsourcing Inc.
- g. Proof, Certificate of Insurance, SP Recycling Corporation SP Newsprint Company.
- h. Proof, Certificate of Insurance, Moore & Young, Inc.
- i. Proof, Certificate of Liability Insurance, F G I, Inc.
- j. Proof, Certificate of Liability Insurance, GPI/Aerial Cartographics of America.
- k. Proof, Certificate of Insurance, Moore & Young Inc.
- 1. Proof, Notice to Bidders, Bid No. 02-16.
- m. Proof, Notice of Proposed Agreement of Property Purchase, November 6, 2001.
- n. Proof, Notice of Meeting Cancellation, St. Johns County Water & Sewer Authority, November 7, 2001.

(11/06/01 - 4 - 10:06 a.m.) ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant added item #4A, an agreement for advertising services between the TDC and The Gold Agency. Adams pulled item #15 and rescheduled it for November 13, 2001.

(11/06/01 - 4 - 10:06 a.m.) APPROVAL OF REGULAR AGENDA

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

(11/06/01 - 4 - 10:07 a.m.)

A. APPROVAL OF THE CASH REQUIREMENTS REPORT (This item was moved to the Regular Agenda from the Consent Agenda).

Reardon commented that all pertinent information had been received for the additional check request approval. (10:07 a.m.) **Motion by Reardon, seconded by Kohnke, carried** 5/0, to approve the Cash Requirements Report, as amended.

Mc Donald left the meeting at 10:09 a.m.

(11/06/01 - 5 - 10:08 a.m.)

PUBLIC HEARING - ADOPTION HEARING FOR COMPREHENSIVE PLAN AMENDMENT FILE NO CPA-01-005-, REVISING POLICY COMPATIBILITY INDEX POLICY. THIS IS A PROPOSED TEXT AMENDMENT (FILE NO. CPA-01-005), TO REVISE POLICY A.1.3.12 OF THE COMPREHENSIVE PLAN PERTAINING TO COMPATIBILITY BETWEEN ADJACENT LAND USES. THE EXISTING POLICY REQUIRES THAT THE COMPATIBILITY INDEX BE REVIEWED FOR ALL REZONING APPLICATIONS. IN EFFECT, IT REQUIRES PROPOSED DEVELOPMENT TO DEMONSTRATE THAT NEW LAND USES WILL BE COMPATIBLE WITH ADJACENT PRE-EXISTING LAND USES. THE COMPATIBILITY INDEX RANKS VARIOUS LAND USES IN THE ORDER OF INTENSITY, BEGINNING WITH SINGLE-FAMILY RESIDENTIAL AS LEVEL 1 AND PROGRESSING THROUGH TO INDUSTRIAL AS LEVEL 7. LAND USES SEPARATED BY MORE THAN THREE LEVELS ARE CONSIDERED INCOMPATIBLE. THE FIRST DRAFT OF THE PROPOSED AMENDMENT RE-WORDED THE POLICY TO PROVIDE CLARITY AND TO REQUIRE A PUD REZONING WHERE AN INCOMPATIBILITY EXISTS. THE PUD ZONING DISTRICT ALLOWS THE APPLICANT TO OFFER CONDITIONS TO MITIGATE FOR THE INCOMPATIBILITY AND THE CONDITIONS ARE ENFORCED THROUGH THE PUD. THIS DRAFT WAS TRANSMITTED TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) IN APRIL. DCA DID NOT ISSUE AN "OBJECTIONS, RECOMMENDATIONS AND COMMENT REPORT" ON THIS PROPOSED AMENDMENT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT IT'S REGULAR MEETING ON AUGUST 16TH.

Teresa Bishop, Planning Director, presented the changes in language and amendments to the St. Johns County Comprehensive Plan Compatibility Index, including the addition of Environmentally Sensitive Areas as a Land Use Category. She does not feel that Environmentally Sensitive Areas should have been added as they, like estuaries and essential habitats, are already protected by buffer requirements. She asked the Board to consider removing Environmentally Sensitive Areas as a Land Use from the Compatibility Index. Contiguous and surrounding areas have been defined as 1,000 feet and 300 feet is to be used for notification of adjacent property owners, but she suggested that the footage requirements could be modified to allow for additional flexibility. Kohnke stated that she agreed that Environmentally Sensitive Areas should not be categorized as a Land Use. Jacalone stated that trying to regulate compatibility up to 1,000 feet would be difficult and should be restricted to adjacent properties. Bishop stated that mitigation would be allowed by buffering. Kohnke suggested 200 to 300 feet which would protect properties that are not adjacent, i.e. across the street. Meiszer stated that he supports the 1,000 feet and feels that 300 feet is not enough and that a comprise could be made. Reardon asked if the notification requirements would also change to 1,000 feet. Bishop stated that this was not intended to change the notice requirements. (10:35 a.m.) Debra Andrews,11 N. Roscoe Blvd., commented on mitigation and compatibility of land uses and suggested that the Environmentally Sensitive Areas be included as it is an appropriate place for it to be considered. (10:41 a.m.) Louise Thrower, 288 Orange Ave., is concerned by undefined criteria and feels that anything less than 1,000 feet is not appropriate. (10:44 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing St. Johns County Audubon Society, suggested some alternative language and including justification or a reason for the 1,000 feet distance requirement. (10:48 a.m.) Dante Salamone, 5225 Datil Pepper Rd., commented that Mrs. Bishop and staff are trying to close up the current loop holes in the code. (10: 52 a.m.) Motion by Reardon, seconded by Meiszer, motion failed 2/3, to approve Ordinance 2001-59, amending Policy A.1.3.12 of the Comprehensive Plan, as amended.

Roll Call:

Bryant nay Meiszer aye Reardon aye Jacalone nay Kohnke nay

(10:55 a.m.) Motion by Kohnke, to approve Ordinance 2001-59, amending Policy A.1.3.12 of the Comprehensive Plan, as amended, motion died for lack of a second. (10:57 a.m.) Motion by Bryant, seconded by Jacalone, carried 3/2 to approve Ordinance 2001-59, amending Policy A.1.3.12 of the Comprehensive Plan, as amended.

Roll Call:

Meiszer nay Reardon nay Jacalone aye Kohnke aye Bryant aye

(10:59 a.m.) Motion by Kohnke, seconded by Bryant, carried 5/0, to reorder the agenda so that item #5 will be considered after the private meeting, then item #3.

(11:00 a.m.) James Sisco, County Attorney, informed the Board that he needed advise regarding the lawsuit between the Estuaries Limited Liability Co. and St. Johns County, Case No. CA00-271. Jacalone announced that the closed attorney/client meeting will commence in Conference Room A at 11:05 a.m. and will last approximately one hour. Attendees are to be: Marc Jacalone; John Reardon; James Bryant; Mary Kohnke; Nicholas Meiszer; Ben Adams, Jr.; James Sisco, Esquire; John Cooper, Esquire; Laura Pearl, Court Reporter.

- 11. 11:00 A.M. CLOSED SESSION PRIVATE ATTORNEY/CLIENT MEETING. THE MEETING HAS BEEN ADVERTISED FOR 11:00 A.M.- SETTLEMENT NEGOTIATIONS & LITIGATION EXPENSES PERTAINING TO THE LAWSUIT BETWEEN ST. JOHNS COUNTY AND THE ESTUARIES LIMITED LIABILITY COMPANY CASE NO. CA 00-271. THIS IS A PRIVATE ATTORNEY CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN ST. JOHNS COUNTY AND THE ESTUARIES LIMITED LIABILITY COMPANY, CASE NO. CA 00-271 IN THE CIRCUIT COURT, IN AND FOR THE SEVENTH JUDICIAL CIRCUIT, ST. JOHNS COUNTY, FLORIDA.
 - A. CALL TO ORDER OF SPECIAL MEETING BY CHAIR
 - B. COUNTY ATTORNEY ANNOUNCES THE PRIVATE ATTORNEY/CLIENT MEETING WILL COMMENCE AT 11 A.M. AND IS ESTIMATED TO LAST ONE HOUR.
 - C. CHAIR ANNOUNCES THE CLOSED CLIENT/ATTORNEY MEETING IN CONFERENCE ROOM A
 - D. CHAIR ANNOUNCES SPECIFIC NAMES OF PERSONS ATTENDING THE MEETING
 - E. MEETING ATTENDEES MOVE TO CONFERENCE ROOM A FOR THE CLOSED SESSION

F. AT CONCLUSION OF MEETING THE CHAIR WILL REOPEN THE PUBLIC BOARD MEETING AND ANNOUNCE TERMINATION OF THE CLOSED ATTORNEY/CLIENT SETTLEMENT MEETING

(11:59 a.m.) Jacalone called the meeting back to order following the closed attorney/client meeting then recessed for lunch until 1:30 p.m.

The meeting reconvened at 1:30 p.m. with Jacalone, Bryant, Reardon, Kohnke, Meiszer, Strickland, MacDonald, Adams, Bosanko, and Deputy Clerk Judy Hamilton present. Jacalone stated that the public hearings scheduled for 1:30 p.m. were called to order and temporarily recessed to continue with the morning agenda. Jacalone introduced State Representative Doug Wiles, who gave a brief update from Tallahassee.

(11/06/01 - 7 - 1:32 p.m.) UPDATE BY STATE REPRESENTATIVE DOUG WILES

Wiles stated the Legislature could not come to terms on the budget cuts during an eight to 10 day session that was just adjourned last week and another special session had been called by the Governor for November 27, to last about 10 days. At that time, they hoped to come to terms in the balancing of the budget, as mandated in the Florida constitution. Wiles addressed some of the budget cuts. Discussion was held on the shortfall, health care obligations, Council on Aging, and community care for the elderly, among various other proposed cuts. Wiles stated they would keep the County informed as the matter progressed.

The next item discussed was Item No. 5.

(11/06/01 - 7 - 2:24 p.m.)

CONSIDER A REQUEST TO WAIVE FEES FOR A REZONING APPLICATION BY THE ST. JOHNS COUNTY RECREATION DEPARTMENT FOR THE PALMO **BOAT RAMP**

Teresa Bishop, Planning Director, stated this was a request to waive rezoning fees for the Recreation Department. Motion by Reardon, seconded by Kohnke, carried 5/0, to approve a waiver of the Rezoning application fee, finding that the waiver of said fees is in the best interest of the County, and will serve a public purpose, said fact supporting public purpose is that it is a public ramp and will serve the public as a public access to the water.

The next item discussed was Item No. 4.

(11/06/01 - 7 - 2:16 p.m.)

BRIEFING ON THE STATUS OF THE JACKSONVILLE URBAN AREA TRANSPORTATION STUDY (JUATS) 2025 LONG RANGE TRANSPORTATION PLAN UPDATE

Rob Schiffer, of Post, Buckley, Schuh and Jernigan, gave a fourth and final report on the status of the project, as Consultant for First Coast Metropolitan Planning Organization, with visual display. The Board thanked Schiffer for the update.

The next item discussed was Item No. 2.

(11/06/01 - 7 - 2:26 p.m.)

CONSIDER AN AGREEMENT FOR MARKETING RESEARCH SERVICES WITH MID-FLORIDA MARKETING RESEARCH IN THE AMOUNT OF \$60,000

Glenn Hastings, Executive Director, Tourist Development Council, presented this item to the Board for consideration. Motion by Kohnke, seconded by Reardon, carried 5/0 to approve the County Administrator to enter into an agreement for marketing research services with Mid-Florida Marketing Research, in the amount of \$60,000.

(11/06/01 - 8 - 2:28 p.m.)
4a. AGREEMENT FOR ADVERTISING SERVICES - GOLD & ASSOCIATES

Bryant introduced this agreement and introduced Glenn Hastings, Executive Director of the Tourist Development Council, who made a presentation to the Board. Hastings stated this was a 90 day contract with Gold & Associates of Ponte Vedra Beach for advertising services. The County was currently advertising for RFQ for an advertising agency, with a submittal deadline of November 15. The contract with Gold & Associates would carry them through the end of January and provide for a smooth transition. Motion by Reardon, seconded by Bryant, carried 5/0, to approve the Agreement for Advertising Services effective November 1, running as a 90-day contract, with St. Johns County Tourist Development Council and Gold & Associates, Agency, pending approval of the County Attorney's Department.

(11/06/01 - 8 - 1:53 p.m.)

5. REPORT BY HARTMAN & ASSOCIATES ON THE JEA PROPOSAL AND REQUEST

John Schwab, Special Projects Manager, addressed the Board, stating they were giving you a critique of the summary of the investigation and request for Board authorization to move forward. Schwab introduced Mike Rocca, of Hartman & Associates, Orlando, who gave a presentation to the Board of the Hartman report on the JEA proposal. Reardon requested that they generate a fiscal report of what the revenues would be for the Northern part of the County in this service area. Rocca continued with several of the proposed avenues of compensation that JEA had brought forth. Further discussion was held on accountability, United Water, replacement of sewers, among other issues of the proposal. (2:12 p.m.) Bosanko introduced the new Assistant County Attorney, Michael Hunt. Hunt would be working on this issue, if so directed by the Board. Rocca reiterated his understanding of moving forward with this, would be assignment of a group, with representatives from County legal staff, Utilities Staff, financial Staff, and administrative Staff to draft certain amendments to the existing agreement. They would then meet with JEA and discuss and work out the issues and prepare a package that would be presented to the Board for their review.

(2:15 p.m.) Motion by Kohnke, seconded by Bryant, carried 5/0, to accept the Hartman & Associates executive summary of the JEA Utility Proposal on Northern St. Johns County, and authorize the Staff to develop the appropriate documents to allow the United Water service area to be combined within an amendment to the Julington Creek Plantation Service Area Agreement. Jacalone reiterated the motion included authorizing the Staff to start drafting an agreement that will come back to the Board before it was executed. Schwab expressed affirmation and stated this would be prepared for the December 18 meeting.

The next item discussed was Item No. 3.

(11/06/01 - 8 - 4:17 p.m.)

6. CONSIDER A RESOLUTION ACCEPTING A WEMBLEY GARDENS EASEMENT PROPOSAL

(2:31 p.m.) Bosanko requested that the attorney representing the applicant was called away and would be available after 4:00 p.m. **Motion by Kohnke, seconded by Reardon, carried via Board consensus, to place Item No. 6 at the end of the agenda.** (2:32 p.m.) Marilyn Mazzola, 121 Ponte Vedra Colony Circle, spoke on behalf of National Fairways, stating they felt this was a private piece of land and would like it to remain a private sale; they were adjusting the price down substantially and they would like to keep it private.

(3:54 p.m.) This item was readdressed by Bosanko, who stated the applicant's attorney was not present as yet. *The Board then moved to Reports.* The meeting recessed at 4:07 p.m. and reconvened at 4:17 p.m.

Bosanko summarized what this case was about, utilizing visual display. He advised the Board, that the resolution and blanket easement forms, included in the agenda packet, were prepared by the applicant's attorneys, and not reviewed by the County Attorney's Office. Discussion was held on the request. (4:29 p.m.) Susan Bloodworth, 170 Malaga Street, made her presentation to the Board. Further discussion ensued. (4:45 p.m.) Marilyn Mazzola again addressed the Board, stating their preference for a private sale. *It was the consensus of the Board to take no action on this issue.*

The meeting was then adjourned.

(11/06/01 - 9 - 2:35 p.m.)

7. CONSIDER A REQUEST TO AMEND THE FISCAL YEAR 2002 CAPITAL IMPROVEMENT PLAN FOR THE UTILITY DEPARTMENT

Frank Kenton, Utilities Department, addressed the Board, presenting the request for amendment to the FY 2002 CIP for the Utility Department. Discussion was held on the list of proposed modifications, including water and wastewater transmission mains, expansions, and scopes of projects. Bill Young, Utility Director, and Neal Shinkre, Utility Engineer, answered questions from the Board. Legal clarification of Board approval was also discussed. Staff was directed to provide more information and explanation of proposed modifications in the future. Motion by Bryant, seconded by Reardon, carried 5/0, to accept the amended FY 2002 Capital Improvement Plan for the Utility Department.

(11/06/01 - 9 - 2:58 p.m.)

8. CONSIDER A REQUEST TO AUTHORIZE PAYMENT FOR CERTAIN FY 2002 CAPITAL IMPROVEMENT PLAN PROJECTS FROM UNIT CONNECTION FEES

Bill Young, Utility Director, presented this request to the Board for their authorization. Motion by Reardon, seconded by Bryant, carried 5/0, to authorize the use of unit connection fees for the attached project list.

(11/06/01 - 9 - 3:00 p.m.)

9. REPORT BY AT&T BROADBAND OF COMPLAINT RESOLUTION AND CALL CENTER COMPLIANCE BY THEIR GOVERNMENTAL AFFAIRS MANAGER ANNE MURPHY

Joe Vonasek, Director of Office of Management and Budget, addressed the Board, requesting that this item be rescheduled for the November 27 Board meeting. **Motion by Kohnke**, seconded by Bryant, carried 5/0, to reschedule Item No. 9, a report by AT&T Broadband, until November 27.

(11/06/01 - 9 - 3:00 p.m.)

10. CONSIDER ADOPTING TWO RESOLUTIONS RECOGNIZING UNANTICIPATED REVENUE FROM THE STATE OF FLORIDA FOR SUPERVISOR OF ELECTIONS

Joe Vonasek, Director of Office of Management and Budget, addressed the Board, advising them of the unanticipated revenues. **Motion by Reardon, seconded by Kohnke, carried** 5/0, to adopt Resolution 2001-209, recognizing \$213,750 in unanticipated revenues from the State of Florida for Voting Systems Assistance and appropriating them to 0030-55305 (Elections - State Grant Expenditures).

RESOLUTION NO. 2001-209

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2001 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY SUPERVISOR OF ELECTIONS

Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2001-210, recognizing \$60,842.19 in unanticipated revenues from the State of Florida and appropriating them to 0030-55305 (Elections - State Grant Expenditures).

RESOLUTION NO. 2001-210

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2001 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY SUPERVISOR OF ELECTIONS.

(3:02 p.m.) Motion by Kohnke, seconded by Bryant, carried 5/0, to move Reports to the end of the Agenda.

(11/06/01 - 10 - 11:00 a.m.)

11. CLOSED SESSION PRIVATE ATTORNEY/CLIENT MEETING.

See morning agenda portion of these minutes.

The meeting recessed at 3:03 p.m. and reconvened at 3:13 p.m., with Adams absent and David Halstead, Assistant County Administrator, present.

(11/06/01 - 10 - 3:13 p.m.)

PUBLIC HEARING - RESOLUTION APPROVING A PURCHASE AND SALE 12. AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR THE PUBLIC WORKS DEPARTMENT EXPANSION SITE. AN ACQUISITION OF PROPERTY FOR THE EXPANSION OF THE ROAD AND BRIDGE COMPLEX WAS APPROVED AS A CAPITAL IMPROVEMENT PROJECT FOR THIS FISCAL YEAR. THE PROPOSED USE OF THE PROPERTY IS FOR EXPANSION AND THE FUTURE CONSTRUCTION OF A BUILDING THAT WILL HOUSE THE PUBLIC WORKS DEPARTMENT THAT INCLUDES ENGINEERING AND ROAD AND BRIDGE. OFFICE SPACE IS ALSO NEEDED FOR CONSTRUCTION SERVICES, BUILDING MAINTENANCE AND A PURCHASING SURPLUS PROPERTY YARD. THE OWNERS OF THE 19.5 ACRES OF PROPERTY ADJACENT TO THE EXISTING ROAD AND BRIDGE COMPLEX ON SR 16 HAVE EXECUTED AND PRESENTED TO THE COUNTY THE PURCHASE AND SALE AGREEMENT INCLUDED IN THIS AGENDA PACKAGE. THIS LOCATION HAS BEEN IDENTIFIED AS THE MOST DESIRABLE AND CONVENIENT FOR THIS

OPERATION. THE PURCHASE PRICE IN THE AGREEMENT IS \$525,000. THIS AMOUNT IS LESS THAN \$546,000 THAT WAS THE AVERAGE OF THE TWO REAL ESTATE APPRAISALS THAT HAVE BEEN PERFORMED ON THE PROPERTY PER FLORIDA STATUTE 125.355(1)(b). NOTICE OF THIS PUBLIC HEARING WAS ADVERTISED IN THE ST. AUGUSTINE RECORD, SATURDAY, OCTOBER 6, 2001, PER FLORIDA STATUTE 125.355(1)(a).

Proof of publication for the public hearing for proposed purchased, in the matter of Mitigation Property, Charles V. And Carolyn A. Robshaw (property owners) was received, having been published in *The St. Augustine Record* on October 6, 2001, and proof of publication for the public hearing for public hearing of proposed agreement, in the matter of St. Johns County Proposed Agreement of Property Purchase, was received having been published in *The St. Augustine Record* on October 20, 2001.

Mary Ann Blount, Real Estate Manager, presented this item to the Board for consideration, utilizing visual display. Joe Stephenson, Public Works Director, answered questions from the Board. Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2001-211, approving the Purchase and Sale Agreement for the acquisition of property for the Public Works and Road and Bridge expansion site.

RESOLUTION NO. 2001-211

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A CERTAIN PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR THE PUBLIC WORKS AND ROAD AND BRIDGE EXPANSION SITE

(11/06/01 - 11 - 3:24 p.m.)

PUBLIC HEARING - MCFAULS - SINGLE FAMILY. THIS REQUEST SEEKS TO 13. REZONE TWO PLATTED LOTS LOCATED WITHIN THE SURFSIDE SUBDIVISION LOCATED AT 114 SHERWOOD AVENUE, BETWEEN FIRST STREET AND A1A FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO RESIDENTIAL SINGLE FAMILY (RS-3). THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE RESIDENTIAL C-COASTAL DEVELOPMENT PROVISIONS OF THE COMPREHENSIVE PLAN. REZONING ENCOURAGES AN EFFICIENT AND COMPACT LAND USE THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO RESIDENTIAL SINGLE FAMILY (RS-3) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. SURFSIDE SUBDIVISION IS EXEMPT FROM CONCURRENCY PURSUANT TO SECTION 11.08.04 OF THE LAND DEVELOPMENT CODE. THIS REQUEST FOR REZONING FROM CHT TO RS-3 WILL DECREASE THE IMPACT TO PUBLIC FACILITIES THEREFORE WILL REMAIN EXEMPT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REZONING AT THEIR OCTOBER 4, 2001 PUBLIC HEARING. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING.

Proof of publication of notice of public hearing on the proposed rezoning notice, in the matter of File #REZ 2001-14, 114 Sherwood Avenue, was received, having been published in *The St. Augustine Record* on October 22, 2001.

Teresa Bishop, Planning Director, made a presentation to the Board of this issue, with visual display. Motion by Kohnke, seconded by Reardon, carried 5/0, to enact Ordinance No. 2001-60, known as McFauls Single Family (REZ-2001-14), adopting Findings of Fact 1 through 4 to support the motion.

ORDINANCE NO. 2001-60

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATEOFFLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL HIGHWAY TOURIST (CHT) TO RESIDENTIAL SINGLE FAMILY (RS-3); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(11/06/01 - 12 - 3:25 p.m.)

PUBLIC HEARING - REZ 2001-013 FLAGLER HOSPITAL RETAIL CENTER. THIS REQUEST SEEKS TO REZONE APPROXIMATELY SIX ACRES LOCATED ON THE SOUTH SIDE OF STATE ROAD 312 BETWEEN OLD MOULTRIE ROAD AND US HIGHWAY 1 FROM RESIDENTIAL GENERAL (RG-2) TO COMMERCIAL GENERAL (CG). A FINAL CERTIFICATE OF CONCURRENCY (CONMAJ2001-11) WAS GRANTED ON SEPTEMBER 26, 2001 FOR A MAXIMUM 72,000 SQUARE FEET OF SHOPPING CENTER. THE REQUESTED REZONING COMPLIES WITH AN SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED-USE DEVELOPMENT PROVISIONS OF THE COMPREHENSIVE PLAN. SPECIFICALLY, THE REZONING CONTRIBUTES TO A MIXTURE OF LAND USES WITHIN THE MIXED USE DISTRICT, AND THE REZONING ENCOURAGES AN EFFICIENT AND COMPACT LAND USE PATTERN, WHICH SUPPORTS BALANCED GROWTH AND ECONOMIC DEVELOPMENT. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO COMMERCIAL GENERAL (CG) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. THE PLANNING AND ZONING AGENCY UNANIMOUSLY APPROVED A MOTION TO RECOMMEND APPROVAL OF THIS REZONING AT THEIR OCTOBER 4, 2001 PUBLIC HEARING. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING.

Proof of publication for notice of public hearing on proposed rezoning in the matter of REZ 2001-13, 1920 Old Moultrie Road, was received, having been published in *The St. Augustine Record* on October 22, 2001.

Teresa Bishop, Planning Director, addressed the Board, with visual display, explaining the requested rezoning. Motion by Reardon, seconded by Bryant, carried 5/0, to enact Ordinance No. 2001-61, known as Flagler Hospital Retail (REZ-2001-13), adopting Findings of Fact 1 through 4 to support the motion.

ORDINANCE NO. 2001-61

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATEOFFLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL GENERAL (RG-2) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(11/06/01 - 13 - 3:27 p.m.)

PUBLIC HEARING - NON-ZONING VARIANCE GGF ENTERPRISES -15. INDEPENDENT TITLE COMPANY. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.07.05.A.5 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT) SEEKING TO REDUCE A SOUTH SIDE YARD REQUIREMENT FROM 30 FEET TO 10 FEET. THIS PROVISION REQUIRES THAT WHERE A PROPOSED BUILDING ADJOINS AN EXISTING RESIDENTIAL LAND USE OR RESIDENTIALLY ZONED LANDS, THE MINIMUM ADJOINING YARD REOUIREMENT (WHETHER IT IS A SIDE OR REAR YARD, OR BOTH) IS 30 FEET FOR A ONE-STORY BUILDING. THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-STORY OFFICE BUILDING ON PROPERTY THAT IS ZONED COMMERCIAL NEIGHBORHOOD (CN) AND LOCATED ON THE WEST SIDE OF STATE ROAD A1A SOUTH. THE SUBJECT DEVELOPMENT SITE CONSISTS OF TWO COMBINED LOTS THAT ARE APPROXIMATELY 250 FEET DEEP AND 75 FEET WIDE.

This item was continued to a later date.

(11/06/01 - 13 - 3:28 p.m.)

PUBLIC HEARING - MAJOR MODIFICATION TO THE VININGS PLANNED 16. UNIT DEVELOPMENT (AKA THE WOODLANDS), ORDINANCE 97-14, AS AMENDED. THIS REQUEST SEEKS TO MODIFY THE VININGS PUD (AKA THE WOODLANDS) ORDINANCE 97-14, AS AMENDED TO MODIFY THE ACCESS POINTS TO THE COMMERCIAL PARCEL. THIS MODIFICATION WILL ALLOW FOR A DIRECT ACCESS CONNECTION TO THE NEW LEO MAGUIRE PARKWAY. ONE OF THE CURRENT ACCESS POINTS ALONG CR 210 WEST, TO THE COMMERCIAL PARCEL, WILL BE ELIMINATED. THIS WILL RESULT IN THREE ACCESS TO THE COMMERCIAL PORTION OF THE VININGS: ONE FULL ACCESS FROM LEO MAGUIRE PARKWAY, ONE FULL ACCESS FROM CR 210 WEST, AND ONE RIGHT IN/RIGHT OUT ACCESS FROM CR 210 WEST. THERE IS ALSO AN ACCESS TO THE RESIDENTIAL PORTION OF THE VININGS FROM CR 210 WEST AND ONE CONNECTION BETWEEN THE RESIDENTIAL AND COMMERCIAL PORTIONS VIA WHITE JASMINE WAY. THIS ITEM WILL BE HEARD BY THE PLANNING AND ZONING AGENCY AT THEIR NOVEMBER 1, 2001 MEETING. THE MINUTES AND RECOMMENDATION FROM THIS PUBLIC HEARING WILL BE PROVIDED UNDER SEPARATE COVER AFTER THE MEETING. THE PLANNING DIVISION HAS NO OBJECTIONS TO THE APPROVAL OF THIS MAJOR MODIFICATION.

Proof of publication for notice of public hearing on proposed major modification notice in the matter of MAJMOD 2001-07, 2350 CR 210 West, The Vinings (aka The Woodlands), was received, having been published in *The St. Augustine Record* on October 22, 2001.

Teresa Bishop, Planning Director, presented this item to the Board for consideration. Motion by Reardon, seconded by Bryant, carried 5/0, to enact Ordinance No. 2001-62,

known as The Vinings Major Modification (MAJMOD 2001-07), adopting Findings of Fact 1 through 5 to support the motion. Kohnke requested that, in the future, Staff draw a road, rather than call it an access, referring to a GIS generated map.

ORDINANCE NO. 2001-62

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE VININGS PLANNED UNIT DEVELOPMENT (PUD) (AKA THE WOODLANDS) ORDINANCE NUMBER 97-14, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

Strickland and MacDonald left the meeting at 3:30 p.m.

(11/06/01 - 14 - 3:31 p.m.)

17. CONSIDER A RESOLUTION ACCEPTING A PROPOSED SETTLEMENT OF THE FLORIDA WILDLIFE FEDERATION CHALLENGE OF THE NOCATEE, NEW TOWN AND PIPELINING COMPREHENSIVE PLAN AMENDMENTS

Daniel Bosanko, Deputy County Attorney, introduced this item to the Board, reporting that they had a successful, informal mediation with the Florida Wildlife Federation. Because of that, he brought to the Board a proposed settlement, which would not be effective unless the Board approved it. This was for part of the Nocatee litigation, not all, but that part initiated by the Florida Wildlife Federation. Bosanko briefly outlined the nature of the settlement proposal, stating the major thing for the County to be focused on was, that by agreeing to the settlement, they would agree and commit to, in good faith, consideration of a list of issues, which the Wildlife Federation considered very important in the next Comprehensive Plan amendment sequence, which would be commenced in December for submittal in the Spring. Bosanko stated there was a list of issues outlined in the package and an agreement, where the County would join the Federation, as well as the developer, in requesting a wildlife underpass crossing, and other issues the developer has agreed to do, regarding fencing and protection of wildlife.

(3:34 p.m.) Tom Reese, representing Florida Wildlife Federation, addressed the Board, stating they had filed a petition for an administrative hearing, concerning County amendments creating the New Town category. Their primary concern was with the category itself; they were looking more at potential New Towns rather than the Nocatee New Town. Reese expressed concerns they had about the Nocatee New Town and stated they had hired Dr. Chris Nelson, a land use profession at Georgia Tech, who gave suggestions on how to design New Towns. They had then asked for mediation, and the Department of Community Affairs provided one of their planners as a mediator. Through that process, they worked out concerns with Nocatee, as well as County Staff, on how to make the New Town category actually meet some of the desires that they would have. One of the items there had been consensus on, was the wildlife crossing under US 1, connecting the 12-Mile Swamp with the Nocatee Greenway System, which would be very beneficial. Reese stated it was thought that they could get Florida Department of Transportation to fund that scenario, primarily with some of the ISTEA money. Jacalone inquired if the county did not agree with portions of the proposed settlement, that did not relate to wildlife issues-such as location of affordable housing-was the settlement still intact. Reese responded that actually having affordable housing meant that there would be less

transportation impacts and that trying to get to an urban design rather than a suburban design had many environmental benefits. If the Board approved the proposed settlement agreement, Reese stated they would be committing to join the Federation on the US 1 Wildlife Crossing request. Reese said there was no monetary impact; the Board would be committing to consider the listed items as negotiated and discussed with Staff. If this was adopted today, the Federation would dismiss. Meiszer inquired about the wildlife crossing going under the railroad; discussion ensued, with Meiszer expressing his concerns about the underground tunnel, dealings with the railroad, animal roadkill, fencing, and the proposed settlement. Kohnke asked why they would want grid roadway patterns in the villages. Reese responded it was just an elaboration on the current category for inner connectivity. Kohnke commended them for a well, thought-out compromise.

(3:44 p.m.) Lynn Pappas, 200 W. Forsyth St., Jacksonville, spoke in support of the settlement agreement. (3:44 p.m.) Louise Thrower, 288 Orange Avenue, with visual display, voiced her concerns against the proposed settlement agreement.

(3:50 p.m.) Bosanko gave the Board technical corrections to the resolution, including:

page 2, paragraph 1 "The terms of the Settlement Agreement are hereby approved and the County <u>Administrator</u> is authorized to execute and deliver the Settlement Agreement in order to effectuate the terms thereof."

page 2, paragraph 2.c. "... which would include the definition of 'New Town' as contained in rule $9J-5.003\frac{(79)(80)}{1...}$..."

page 3, paragraph 3 " . . . and shall have no effect upon Ordinance **Resolution** No. 2001-30 nor "

Motion by Kohnke, seconded by Bryant, carried 4/1 with Meiszer dissenting, to adopt Resolution No. 2001-212, as amended by the Deputy County Attorney.

RESOLUTION NO. 2001-212

RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RESOLUTION 2001-212 ADOPTING A MEDIATION SETTLEMENT AGREEMENT BETWEEN THE FLORIDA WILDLIFE FEDERATION AS PETITIONER, ST. JOHNS COUNTY, FLORIDA AND STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, RESPONDENTS AND SONOC COMPANY, LLC AND THE PARC GROUP, INC. AS INTERVENORS IN CASE NO. 01-1798GM, STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA SHALL CONSIDER FOR ADOPTION CERTAIN AMENDMENTS TO OBJECTIVE A.1.19 (NEW TOWN DEVELOPMENT) OF THE 2015 ST. JOHNS COUNTY COMPREHENSIVE PLAN AT SUCH TIME AS THE COUNTY SHALL CONSIDER FUTURE AMENDMENTS TO THE COMPREHENSIVE PLAN IN THE NEXT CYCLE OF COMPREHENSIVE PLAN AMENDMENTS PURSUANT TO CHAPTER 163, FLORIDA STATUTES, AND ESTABLISHING AN EFFECTIVE DATE

The next item discussed as Item No. 6.

(11/06/01 - 15 - 3:56 p.m.) COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke requested when other Commissioners began a project in another Commissioner's district, that they notify that district Commissioner of the project.

Commissioner Meiszer:

(3:58 p.m.) Meiszer stated he thought all Commissioners ought to be notified when new projects were concerned, simply as a courtesy. In his opinion, the district have no legal significance, every Commissioner is responsible to every citizen.

Meiszer stated he was asked by the LAMP Board that each Commissioner meet with them to discuss the future of the LAMP Board and projects and work involved.

Meiszer asked when the reorganization meeting would be held. Halstead responded it was scheduled for November 27.

Commissioner Reardon:

(4:00 p.m.) Reardon requested that Proclamations be placed before Public Comments on the Agenda. Staff was so directed.

Commissioner Bryant:

(4:01 p.m.) Bryant requested Halstead to have the Office of Management and Budget track obligations in the health care field match moneys, especially the nursing home match for Medicaid patients, and any other line items that they budget for health care items. Bryant wanted to be advised of any cuts in those areas.

Bryant recommended the Bus shelters be placed on slabs so they did not blow over in strong winds. Halstead stated they were going to have them leveled and anchored.

Commissioner Jacalone:

(4:03 p.m) Jacalone stated the Sheriff had written him regarding the safety and security of the government complex; Jacalone said he was meeting with the Sheriff and Adams tomorrow to discuss what direction they wanted to go with onsite security. Jacalone said he was going to recommend opening the other access driveway and reducing check point operations somewhat. He suggested a roving security person from the Sheriff's Office would be funded. The other Board members agreed. Jacalone stated he would report back to the Board the requests or suggestions from the Sheriff.

(11/06/01 - 16 - 4:07 p.m.) COUNTY ADMINISTRATOR'S REPORT

No report.

(11/06/01 - 16 - 4:07 p.m.) COUNTY ATTORNEY'S REPORT

No report.

(11/06/01 - 16 - 4:07 p.m.) CLERK OF COURT'S REPORT

No report.

Motion by Kohnke, seconded by Bryant, carried 5/0, to adjourn. There being no further business to come before the Board, the meeting adjourned at 4:47 p.m.

REPORTS:

- 1. St. Johns Board of County Commissioners Check Register, Check Number 310535 through 310985, totaling \$4,408,035.59, dated 10/23/01
- 2. St. Johns Board of County Commissioners Check Register, Check Number 310986, totaling \$118,599.87, dated 10/26/01
- 3. St. Johns Board of County Commissioners Check Register, Check Number 310987, totaling \$11,115.00, dated 10/26/01
- 4. St. Johns Board of County Commissioners Check Register, Check Number 311290 through 311308, totaling \$36,217.08, dated 11/01/01
- 5. Memorandum of Understanding between Hines Interests Limited Partnership, Marshall Creek, Ltd., Genesis, Ltd., and St. Johns County, Florida, County Version "A", regarding Marshall Creek CDD
- 6. Memorandum of Understanding between Hines Interests Limited Partnership, Marshall Creek, Ltd., Genesis, Ltd., and St. Johns County, Florida, regarding Marshall Creek CDD
- 7. Add a paragraph whereby Hines, Genesis, and Marshall Creek, Ltd., and their successors and assigns, page 2, regarding Marshall Creek CDD
- 8. Cover Sheet for August 3, 1999 BCC Meeting, Marshall Creek CDD, with attachments
- 9. Note regarding Display Ad, July 12, 23, 30, August 6, Draft Ordinance, regarding Marshall Creek CDD
- 10. Julington Creek Plantation, 1999 Annual Schedule of Fees and Assessments for Single Family Residences, dated 01/01/99, regarding Marshall Creek CDD
- 11. Marshall Creek CDD Application Processing Group Agenda, April 23
- 12. Notes from 04/23/99 Marshall Creek CDD Meeting
- 13. Chapter 190, Community Development Districts, 1998 Supplement to Florida Statutes 1997, regarding Marshall Creek CDD
- 14. Copy of Ordinance No. 94-41, regarding Marshall Creek CDD
- 15. Tear Sheet from *The St. Augustine Record*, dated July 16, 1997, Notice of Public Hearing on August 10, 1999, regarding Marshall Creek CDD
- 16. Agenda Packet for May 18, 1999 BCC Meeting, regarding discussion of CDD's
- 17. Petition to Establish the Marshall Creek CDD Pre-Filed Direct Testimony, submitted by Cheryl Stuart
- 18. Petition to Establish the Marshall Creek Community Development District Pre-Filed Direct Testimony, submitted by Cheryl Stuart
- 19. Petition to Establish the Marshall Creek CDD, submitted by Cheryl Stuart, with Exhibits
- 20. Draft opinion letter to Cheryl Stuart from Dan Bosanko, dated May 13, 1999, regarding Sufficiency of application to St. Johns County for establishment of CDD of less than 1,000 acres, regarding Marshall Creek CDD
- 21. Notice to *The St. Augustine Record* to publish ad for Notice of Public Meeting of the St. Johns County CDD Processing Group, regarding Marshall Creek CDD

CORRESPONDENCE:

- a. Faxed Letter to Dan Bosanko from Cheryl G. Smart, dated 08/23/99, regarding Memorandum of Understanding Marshall Creek CDD
- b. Letter from Penny Halyburton, Supervisor of Elections, to Scott Clem, stamped 08/06/99, regarding Marshall Creek CDD
- c. Memorandum to Dan Bosanko from Ken van Assenderp of Young, van Assenderp, Varnadoe & Anderson, P.A., dated July 22, 1999, regarding changes affecting CDDs made during the 1999 Legislative Session (HB-17), regarding Marshall Creek CDD
- d. Memorandum from Tim Brown to Scott Clem, dated June 7, 1999, regarding Marshall Creek CDD
- e. Memorandum from Teresa Bishop to Dan Bosanko, dated May 14, 1999, regarding Marshall Creek CDD Review
- f. Letter to Cheryl Stuart, Hopping Green Sams & Smith, P.A., from Tim Brown, regarding Marshall Creek CDD, dated May 7, 1999
- g. Memorandum from Tim Brown to Scott Clem, dated May 7, 1999, regarding Marshall Creek CDD
- h. Memorandum to BCC from Tim Brown, dated May 6, 1999, regarding Marshall Creek CDD Application
- Faxed Letter to Ken van Assenderp from Dan Bosanko, dated May 19, 1999, regarding Marshall Creek CDD
- j. Faxed Letter to George Flint from Cheryl Stuart, dated April 28, 1999, regarding Establishment of Marshall Creek CDD
- k. E-Mail from Tim Brown to Scott Clem, dated 04/20/99, regarding Marshall Creek CDD
- 1. Memorandum from Tim Brown to Scott Clem, dated March 23, 1999, regarding Marshall Creek CDD Application
- m. Faxed Memorandum from Ken van Assenderp to Dan Bosanko, dated May 10, 1999, regarding Generic Briefing on Chapter 190, Fla. Stat., for BCC, regarding Marshall Creek CDD
- n. Letter from Dan Bosanko to Louise Thrower, dated July 12, 1999, regarding questions of Julington Creek CDD
- o. Faxed Letter to Scott Clem from Jonathan Johnson, Hopping Green Sams & Smith, dated May 25, 1999, regarding Petition to Establish Marshall Creek CDD
- p. Memorandum to Dan Bosanko from Ken van Assenderp, dated May 11, 1999, regarding establishment of Marshall Creek CDD Matter: Sufficiency Review
- q. Fax from Ken van Assenderp to Dan Bosanko, dated May 13, 1999, regarding Marshall Creek CDD
- r. Memorandum from Ken van Assenderp to Dan Bosanko, dated May 11, 1999, regarding establishment of Marshall Creek CDD Sufficiency Review
- s. Faxed draft opinion letter from Cheryl Stuart to Scott Clem, dated May 21, 1999, regarding Petition to Establish the Marshall Creek CDD
- t. Letter (opinion) from Cheryl Stuart to Scott Clem, dated May 25, 1999, regarding Petition to Establish the Marshall Creek CDD

Approved: December 11, 2001
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
By: Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:		
5	Deputy Clerk	