

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 26, 2002
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: 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
 James G. Sisco, County Attorney
 Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director

(02/26/02 - 1 - 9:03 a.m.)

The meeting was called to order by Chair Jacalone.

(02/26/02 - 1 - 9:03 a.m.)

The Invocation was given by Meiszer. The Pledge of Allegiance was led by Kohnke.

(02/26/02 - 1 - 9:04 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(02/26/02 - 1 - 9:05 a.m.)

PROCLAMATION NEASE HIGH SCHOOL GIRLS SOCCER TEAM DAY

Coach Silverberg introduced members of the Nease Soccer Team. Kohnke read the proclamation acknowledging the Nease Soccer Team for claiming the Class 2A State Championship and proclaiming February 23, 2002 as Nease High School Soccer Team Day. Megan Whitaker, Team Captain, gave an overview of last Saturday's winning game.

(02/26/02 - 1 - 9:14 a.m.)

PUBLIC COMMENT

Janie Coleman, Waste Management, 6501 Greenland Road, Jacksonville, spoke on the County putting their curbside garbage collection out for competitive bid and opening up the commercial garbage collection for anyone that would meet the criteria for providing service in St. Johns County.

(02/26/02 - 1 - 9:15 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(02/26/02 - 1 - 9:15 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Approval of Minutes:
02/13/02 – BCC Retreat
3. Sheriff's Bonds:

Approve: Martha Jean Masters	Cancel: Rolland B. Van Morris, Jr.
Approve: Alicia McWhorter	Cancel: Philip Samec
Approve: Linda Meador	
4. Motion to authorize the Sheriff's Office to submit an application for participation in the Department of Justice's Bulletproof Vest Partnership Grant Program for Fiscal Year 2002
5. Motion to adopt **Resolution No. 2002-28**, accepting and authorizing the execution of a Temporary Access Easement to a Communications Tower Site located off State Road No. 16-A

RESOLUTION NO. 2002-28

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

6. Motion to authorize the Chairman to sign a Memorandum of Agreement (Greenbriar Road drainage ditch construction) between St. Johns County and Helow Properties Ltd. and direct the Public Works Department to implement the provisions within the Memorandum of Agreement
7. Motion to adopt **Resolution No. 2002-29**, approving a Final Plat for Wingfield Glen

RESOLUTION NO. 2002-29

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

8. Proofs:
 - a. Proof, Notice of Cancellation of Public Hearings, Overearnings Investigation Intercoastal Utilities, February 13, 14, & 15
 - b. Proof, Notice of Cancellation of Public Hearings, Overearnings Investigation of Intercoastal Utilities, February 13, 14, & 15
 - c. Proof, Notice of Hearing, Non-Ad Valorem Assessments Impose and Provide for Collection, March 5, 2002
 - d. Proof, Notice of Public Hearing, Cable Television Service Lifestream Technologies, February 19, 2002
 - e. Proof, Notice of Special Meeting, Retreat Implementation Optional Sales Tax St. Johns County, February 13, 2002
 - f. Proof, Notice of Public Hearing, Ordinance 70-2 Child Care Centers, February 19, 2002
 - g. Proof, Notice to Bidders, Bid No. 02-45
 - h. Proof, Request for Proposals, RFP No. 02-54
 - i. Proof, Notice to Bidders, Bid No. 02-17
 - j. Proof, Notice to Bidders, Bid No. 02-01

(02/26/02 - 3 - 9:15 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to pull item #2 and Patsy Heiss explained why.

(02/26/02 - 3 - 9:16 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/26/02 - 3 - 9:16 a.m.)

1. CONSIDER THE NEEDS & PRIORITIES FOR THE PLACEMENT OF A ONE CENT DISCRETIONARY SALES TAX ON THE GENERAL ELECTION BALLOT IN NOVEMBER 2002. *UPDATES ON CAPITAL PROJECTS.*

John Schwab stated that he was requested during the retreat by the Board to bring this back as an agenda item to determine if it should be placed on the ballot in November for referendum to determine whether or not a one cent sales tax should be implemented.

- a. Transportation - Joe Stephenson, Director Of Public Works

Stephenson reviewed the project list; first priority CR 210(CE Wilson to US 1), second project North/South Corridor, third project Old Moultrie Road, fourth project King Street Corridor, fifth project CR 210/US 1 Interchange/Overpass, sixth project SR 312 Right-of-way (w/o mitigation), seventh project Lake Road Bridge, eighth project Cowpen Branch Bridge Replacements, ninth project Winifred Masters Bridge replacements, and gave a summary. Jacalone mentioned partial funding coming in for some of the projects. Stephenson responded. Bryant requested Stephenson to walk through the top four projects regarding the Five-Year CIP Funding Debt. Stephenson referred the answer to Joe Vonasek and he explained the budget. Bryant suggested doing a better job prioritizing and allocating funds. Kohnke ask for a copy of the information presented.

(9:42 a.m.)

- b. Recreation - Dan Weimer, Director of Parks & Recreation

Weimer reviewed the priority list he put together for the proposed sales tax, Park Land Acquisition-need for two additional park land purchases to be made, Park Land Development after acquiring the land, Boat Ramp Land Acquisition/Expansion and Development, St. Johns County Equestrian Center, County Fishing Pier Expansion, Off-beach Parking Land Acquisition and Development, and Full Service Community Centers. Discussion followed.

(9:53 a.m.)

- c. Land Acquisition - Vickie Renna, Principal Planner

Renna reviewed a list submitted by the L.A.M.P. Board on the 2002 Priority Land Acquisition Projects.

Schwab brought some of these items into prospective. Vonasek reviewed what projects could be done in terms of dollar amounts and what the shortfall in funding is on those projects. (10:00 a.m.) Reardon left the meeting. Vonasek reviewed the estimated gross funding shortfall FY 2003 Transportation CIP Requests. He reviewed source of funding shortfall increase FY 2003 Transportation CIP Requests. (10:05 a.m.) Reardon returned to the meeting. Vonasek stated that the revenues never meet the needs of the County and mentioned other revenues sources available to the Board.

The meeting recessed at 10:16 a.m. and reconvened at 10:24 a.m.

Public Comments:

(10:25 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., Chairman of the St. Johns County Land Acquisition Management Program Board, reviewed what the L.A.M.P. Board has done so far.

(10:32 a.m.) Dan MacDonald, 24501 Deer Trace Drive, Ponte Vedra Beach, applauded the Board for what they are doing. He spoke on the amounts spent on roads.

(10:34 a.m.) Judy Ginn, 6784 A Avenue, stated that she favored an added tax for land acquisition, and undecided about an added tax for roads. She voiced concern about presenting this to the voters together and stated that the subject matters should stand on their own.

(10:39 a.m.) Nancy Lowe, 929 Eagle Drive, remarked that she was not clear how the split would be between land acquisition and roads, and stated that it was the obligation of this commission to go forward with this referendum and make it clear to the voters how it will be divided.

(10:40 a.m.) Carl "Bud" Markel, 801 Sugar Cane Avenue, stated that he was totally opposed to placing this sales tax on the ballot.

(10:45 a.m.) Marshall Catlin, 1500 Bishop Estates Road, Fruit Cove, remarked that a three cents sales tax should be put on the ballot and stated that sales tax is one of the fairest form of tax.

(10:46 a.m.) Albert Holmberg, 11 Lake Shore Drive, stated that he favored the tax.

(10:52 a.m.) Allen Lastinger, 8342 A1A South, stated that he favored the tax.

(10:54 a.m.) Will Abberger, 306 N. Monroe Street, Tallahassee, FL, remarked that he favored the tax.

(10:57 a.m.) Don Stanton, 150 Ocean Hollow Lane, stated no to land purchases and to continue as going now without a tax increase.

(11:01 a.m.) Jerry Cameron, 518 Gentian Road, stated that he was not in favor of the tax.

(11:06 a.m.) Robin Nadeau, 26 Mickler Blvd., stated that she was in favor of the tax.

(11:08 a.m.) Gary Howell, 2201 S.R. 16, stated that he was not in favor of the tax.

Kohnke expressed that she was not interested in increasing gas tax or property tax. She reviewed all the items that have been done over the past years. Discussion followed on if an ordinance was needed for the expenditure of the monies received from the proposed tax, and the ballot language being crucial.

(11:21 a.m.) Will Abberger stated from a poll that was taken, 56% of the people would support a one-cent sales tax increase for both roads and open space. Discussion followed on the questions that were asked on the poll, this being a growth management tool, revenues being inadequate to meet the needs, the mitigation of impacts for transportation projects, and handling the revenues from the sales tax on projects that are not finished within five years. Sisco relayed that his office would draft the ordinance and the ballot language and then there would have to be a public hearing. He stated there would need to be a motion to get the ball rolling. Reardon mentioned seeing what St. Johns County's needs are, not being

for increasing taxes, but money is needed. **Motion by Kohnke, seconded by Meiszer, carried 3/2 by roll call vote with Jacalone and Bryant opposed, to place the proposed tax on a ballot in November 2002.**

Roll Call Vote

Reardon	yes
Jacalone	no
Kohnke	yes
Bryant	no
Meiszer	yes

Motion passed 3/2.

(02/26/02 - 5 - 9:15 a.m.)

2. DISCUSSION OF DELAYED FILINGS OF THE FINANCIAL DISCLOSURE FORM FOR BOARD APPOINTED COMMITTEES.

This item was pulled.

Motion by Kohnke, seconded by Bryant, carried 5/0, to move item #3 to be the first item the in afternoon and the Commissioners' Reports, Administrator's Report, Attorney's Report and Clerk of Courts Reports to the end of the afternoon.

The meeting recessed at 12:13 p.m. and reconvened at 1:30 p.m. with Jacalone, Bryant, Meiszer, Reardon, Kohnke, Adams, Assistant County Attorney Michael Hunt, Assistant County Attorney Isabelle Lopez, and Deputy Clerk Yvonne King present.

(02/26/02 - 5 - 1:35 p.m.)

3. CONSIDER A FIRST AMENDMENT TO THE TOWER ATTACHMENT COMMUNICATION SITE (PONTE VEDRA) AGREEMENT BETWEEN NEXTEL SOUTH CORPORATION AND ST. JOHNS COUNTY

John Schwab, Special Projects Manager, explained the request for an amendment to the tower agreement to authorize the lessee the ability to install five coaxial cables between levels 190' and 220'. (1:38 p.m.) Sid Ansbacher, 780 N. Ponce de Leon Blvd., addressed subletting. Discussion followed regarding subletting. (1:44 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to authorize the County Administrator, or his designee, to sign the first amendment to the Tower Attachment Communications Site Agreement (Site #FL-7041A) between Nextel South Corp. and St. Johns County.**

(02/26/02 - 5 - 1:45 p.m.)

4. PUBLIC HEARING - NZVAR 02-003 S.A.F.E., INC. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO SECTION 6.04.07.G (SIDEWALKS) OF THE LAND DEVELOPMENT CODE THAT REQUIRES DEVELOPMENTS TO CONSTRUCT SIDEWALKS ADJACENT TO COUNTY COLLECTOR ROAD FRONTAGE. THE 3.08-ACRE PROPERTY IS LOCATED AT 2590 DOBBS ROAD AND IS CURRENTLY UNDEVELOPED. THE PROPOSED PROJECT CONSISTS OF A 7,500 SQUARE FOOT COMMERCIAL BUILDING AND RELATED INFRASTRUCTURE FOR SECURITY AND FIRE ELECTRONICS, INC. APPROXIMATELY 322' OF THE PROPERTY FRONTS ON DOBBS ROAD. DOBBS ROAD IS A COUNTY COLLECTOR ROAD WITH ROADSIDE SWALES. NO SIDEWALKS CURRENTLY EXIST ON DOBBS ROAD. STAFF CANNOT SUPPORT THIS NON-ZONING VARIANCE DUE TO THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on the non-zoning variance, 002-003, S.A.F.E., Inc. (Security & Fire Electronics), was received having been published in The St. Augustine Record on February 15, 2002.

Darrell Locklear, Development Review Engineering Manager, requested the public hearing be continued to March 19, 2002 at 1:30 p.m. due to an advertising error. (1:46 p.m.) **Motion by Meiszer, seconded by Kohnke, carried 5/0, to continue the public hearing to March 19, 2002 at 1:30 p.m.**

(02/26/02 - 6 - 1:46 p.m.)

5. PUBLIC HEARING - REZONING 2001-12 LINDA RATZ-BROUDY. THIS REQUEST SEEKS TO REZONE 0.6 ACRES LOCATED AT 311 S.R. 16 FROM RESIDENTIAL SINGLE FAMILY (RS-3) TO COMMERCIAL NEIGHBORHOOD (CN) FOR PROFESSIONAL OFFICE SPACE. PROJECT HAS BEEN REVIEWED FOR COMPLIANCE WITH ARTICLE XI (CONCURRENCY) OF THE LAND DEVELOPMENT CODE AS A SMALL PROJECT ESTIMATED TO GENERATE LESS THAN 4 AVERAGE WEEKDAY PEAK HOUR TRIPS BASED ON CONVERTING THE EXISTING SINGLE FAMILY DWELLING TO A MAXIMUM 1,084 SQ. FT. GENERAL OFFICE BUILDING. THE APPLICANT COULD BUILD UP TO 2,681 SQ. FT. OF GENERAL OFFICE SPACE AND STILL REMAIN A SMALL PROJECT. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED-USE DEVELOPMENT PROVISIONS OF THE COMPREHENSIVE PLAN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. STAFF FINDS THAT THE PROPOSED ZONING CHANGE TO COMMERCIAL NEIGHBORHOOD (CN) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR JAN 17, 2002 MEETING WITH A 7-0 VOTE

Proof of publication of the notice of public hearing on the proposed rezoning, REZ 2001-12, Linda Ratz-Broudy, was received having been published in The St. Augustine Record on February 11, 2002.

Nicole Clayton, Planner II, explained the request to rezone 0.6 acres of property from RS-3 to CN for professional office space. (1:48 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2002-7, known as the Linda Ratz-Broudy (REZ 2001-12); adopting findings of fact 1-4 to support the motion.**

ORDINANCE NO. 2002-7

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL-SINGLE FAMILY (RS-3) TO COMMERCIAL NEIGHBORHOOD (CN); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/26/02 - 7 - 1:49 p.m.)

6. PUBLIC HEARING - PRD-2001-03 BARTRAM DOWNS PLANNED RURAL DEVELOPMENT. THE SUBJECT PROPERTY TO BE CONSIDERED FOR REZONING CONSISTS OF APPROXIMATELY 137.89 ACRES LOCATED AT 7200

COUNTY ROAD 16-A. THE APPLICANT IS REQUESTING A ZONING CHANGE FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) TO ALLOW FOR THE CONSTRUCTION OF TWENTY (20) SINGLE FAMILY HOME SITES. THE DEVELOPMENT WILL BE BARTRAM DOWNS PLANNED RURAL DEVELOPMENT. THE DEVELOPMENT WILL BE CONSTRUCTED IN ONE PHASE CONSISTING OF FIVE (5) YEARS. A FINAL CERTIFICATE OF CONCURRENCY CONMIN 2001-31 IS APPROVED FOR TWENTY (20) UNITS. IT IS STAFF'S OPINION THAT THE REZONING AND THE PROPOSED PLAN OF DEVELOPMENT COMPLIES WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATIONS OF RURAL SILVICULTURE (R/S) AND AGRICULTURAL-INTENSIVE (A-I). THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN. STAFF FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. STAFF HAS NO OBJECTIONS TO APPROVING THIS REZONING, SUBJECT TO THE BOARD'S APPROVAL OF THE WAIVERS REQUESTED. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM ON FEB 21, 2002 AT 1:30 P.M.

Proof of publication of the notice of public hearing on the rezoning, PRD-2001-03, Bartram Downs Planned Rural Development, was received having been published in The St. Augustine Record on February 6, 2002.

Teresa Bishop, Planning Director, explained the request to rezone approximately 137.89 acres of property from OR to PRD to allow for the construction of 20 single-family home sites. Bishop relayed that the applicant has requested four waivers from the Land Development Code: 1) to allow for overhead utilities rather than underground utilities; 2) to not provide internal sidewalks; 3) to not provide external sidewalks along CR 16-A; and 4) to allow one driveway to have direct access to CR 16-A. Discussion followed regarding the reserve area, the type of homes allowed, overhead utilities, underground utilities, internal sidewalks, and external sidewalks. (2:02 p.m.) Gary Davenport, 3266 Pacetti Road, representing the applicant, addressed: direct accesses, external sidewalks, internal sidewalks, underground utilities, and overhead utilities. Discussion followed regarding utilities and sidewalks. (2:09 p.m.) Davenport relayed that the applicant has agreed to remove the mobile home use. (2:11 p.m.) Randy Townsend, 6900 CR 16-A, commented on mobile homes. (2:18 p.m.) Phil Cury, 4435 Emerson Street, Jacksonville, commented in favor of the project. (2:19 p.m.) Peter Thliveros, 572 Black Forest Drive, Fruit Cove, commented in favor of the project. (2:21 p.m.) Michael Proctor, 6 McWilliams, commented in favor of the project. (2:22 p.m.) Roosevelt Dirden, 1170 West King Street, commented in favor of the project. (2:28 p.m.) **Motion by Reardon, seconded by Jacalone, to enact Ordinance No. 2002-8, known as Bartram Downs PRD (PRD 2001-03); adopting findings of fact 1 - 5 to support the motion; with the following stipulations: there will be no interior sidewalks; the ability to have a secondary driveway be allowed; the mobile home wording remain in the project; the utilities be allowed to be placed overhead; and the applicant agrees to pay into the sidewalk fund.**

Roll Call Vote:

Jacalone	aye
Kohnke	nay
Bryant	aye
Meiszer	nay
Reardon	aye

Motion carried 3/2.

ORDINANCE NO. 2002-8

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PRD (PLANNED RURAL DEVELOPMENT); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/26/02 - 8 - 2:28 p.m.)

7. PUBLIC HEARING - MAJMOD 2001-04 PRAIRIE LAKES PLANNED UNIT DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED AT 2877 CR 214 AND COMPRISES 86.477 ACRES. THIS REQUEST IS TO MODIFY THE APPROVED PUD (STRIAR'S ACRES PUD) TO REVISE THE DEVELOPMENT PLAN TO INCREASE THE NUMBER OF DWELLING UNITS TO 97 AND REDUCE THE MINIMUM LOT SIZE TO ONE-HALF (1/2) ACRE. THE RESIDENCES MAY BE SITE BUILT CONVENTIONAL OR MANUFACTURED BUILDING FOR RESIDENTIAL USE. THE MINIMUM LOT WIDTH IS 100 FEET WITH MAXIMUM LOT COVERAGE OF 40%. THE MAXIMUM HEIGHT WILL BE LIMITED TO 35 FEET. THE NAME OF THE PUD IS ALSO BEING CHANGED TO PRAIRIE LAKES. THE NET DENSITY IS 1.14 UNITS PER ACRE. IT IS STAFF'S OPINION THAT THE REQUESTED REZONING AND THE PROPOSED PLAN OF DEVELOPMENT COMPLY WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF RESIDENTIAL-B. THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE OF THE COMPREHENSIVE PLAN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03.05, WHICH PROVIDES STANDARDS FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION SUBJECT TO THE BOARD OF COUNTY COMMISSIONER'S APPROVAL OF THE WAIVERS REQUESTED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR JAN 17, 2002 MEETING WITH A 5-2 VOTE

Proof of publication of the notice of public hearing on the major modification, MAJMOD 2001-04, Prairie Lakes PUD, was received having been published in The St. Augustine Record on February 11, 2002.

Nicole Clayton, Planner II, explained the request to modify the approved Striar's Acres PUD to revise the development plan to increase the number of dwelling units to 97 and reduce the minimum lot size to 1/2 acre. (2:32 p.m.) Meiszer disclosed that he had a phone conversation with Mr. Pacetti of general questions regarding the project. (2:32 p.m.) Reardon disclosed that he had a conversation with Mr. Pacetti giving an update on the project and the merits of the project. (2:34 p.m.) Bryant disclosed that he spoke with Mr. Pacetti. (2:34 p.m.) Kohnke disclosed that she spoke with Mr. Pacetti. (2:35 p.m.) Kevin Davenport, 245 River Plantation Road, addressed a tot lot, a multi-purpose field, and the use of St. Johns County utilities. (2:37 p.m.) Terry Pacetti, 36 Colony Street, requested the Board approve the modification. (2:38 p.m.) Allen Scott, 99 Orange Street, commented in favor of the modification. (2:40 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to enact Ordinance No. 2002-9, known as Prairie Lakes PUD (MAJMOD 2001-04), and adopting findings of fact 1 - 5 that support the motion.**

ORDINANCE NO. 2002-9

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO

**THE PRAIRIE LAKES PLANNED UNIT DEVELOPMENT
(PUD) (FORMERLY STRIAR'S ACRES PUD) ORDINANCE
NUMBER 91-43, AS AMENDED, MAKING FINDINGS OF
FACT; REQUIRING RECORDATION; AND PROVIDING
FOR AN EFFECTIVE DATE**

(02/26/02 - 9 - 2:41 p.m.)

8. PUBLIC HEARING - PUD- 2001-07 OAK HARBOUR PLANNED UNIT DEVELOPMENT. THIS REQUEST SEEKS TO REZONE 53.63 ACRES, LOCATED AT 800 ROBERTS ROAD, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF UP TO 98 SINGLE-FAMILY RESIDENTIAL UNITS AND ASSOCIATED RECREATIONAL USES, COMPRISING 2.49 ACRES. THE LOT SIZES WILL BE A MINIMUM OF 10,000 SF AND MAXIMUM LOT COVERAGE OF 40%. THE PROJECT WILL BE CONSTRUCTED IN TWO PHASES, EACH CONSISTING OF THREE YEARS. CENTRAL WATER AND SEWER WILL SERVE THE PROJECT. FINAL CERTIFICATE OF CONCURRENCY CONMAJ2001-09 WAS APPROVED ON JUNE 27, 2001 FOR THE DEVELOPMENT OF 98 SINGLE-FAMILY LOTS. THE PROJECT DOES REQUEST FIVE WAIVERS FROM THE LAND DEVELOPMENT CODE, WHICH ARE INCLUDED IN THE STAFF REPORT AND CONTAINED WITHIN THE PUD TEXT. IT IS STAFF'S OPINION THAT THE REQUESTED REZONING AND THE PROPOSED PLAN OF DEVELOPMENT COMPLY WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF RESIDENTIAL-B. THIS REQUEST SUPPORTS THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT OF THE COMP PLAN. SUBJECT TO THE APPROVAL OF THE BOARD FOR THE WAIVERS REQUESTED, THE REVIEW PROCESS AND APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, SPECIFICALLY PART 5.03, WHICH PROVIDES STANDARDS FOR PLANNED UNIT DEVELOPMENTS. STAFF ALSO FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. STAFF HAS NO OBJECTIONS TO APPROVING THIS REZONING, SUBJECT TO THE BOARD OF COUNTY COMMISSIONERS' APPROVAL OF THE WAIVERS REQUESTED. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM ON FEBRUARY 21, 2002 AT 1:30P.M.

Proof of publication of the notice of public hearing on the rezoning, PUD 2001-07, Oak Harbour Planned Unit Development, was received having been published in The St. Augustine Record on February 6, 2002.

Teresa Bishop, Planning Director, explained the request to rezone 53.63 acres of property from OR to PUD to allow the development of up to 98 single-family residential units and associated recreational facilities. Discussion followed regarding concurrency. (2:55 p.m.) Gary Davenport, 3266 Pacetti Road, made a presentation regarding the project. In the presentation, he addressed: concurrency, the surrounding property uses, external sidewalk waiver, landscaping/screening near the access easement, 30-foot access easement, recreational details on an incremental Master Development Plan, and buffer averaging. Discussion followed regarding water service and access easements. (3:10 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2002-10, known as Oak Harbour PUD; adopting findings of fact 1-6 to support the motion; grant approval of waivers 1 through 5 as stated on pages 2 & 3 of the text; and the applicant agreeing to contribute proportionately to the external sidewalk fund at the time that fund is established.**

ORDINANCE NO. 2002-10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 3:10 p.m. and reconvened at 3:20 p.m.

(02/26/02 - 10 - 3:20 p.m.)

9. SECOND PUBLIC HEARING - AMENDMENTS TO ARTICLE VI AND APPENDIX E OF THE LAND DEVELOPMENT CODE. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE ARTICLE VI AND APPENDIX E. THE PROPOSED AMENDMENTS TO ARTICLE VI INCLUDE NUMEROUS CLARIFICATIONS AND MINOR CHANGES. THE SIGNIFICANT AMENDMENTS INCLUDE CHANGES TO THE STANDARDS FOR ZERO LOT LINE RESIDENTIAL PROJECTS, A CHANGE TO THE YARD REQUIREMENTS FOR THE RS-1 ZONING DISTRICT, ADDITIONAL REQUIREMENTS IN THE FIRE PROTECTION REGULATIONS FOR ACCESSIBILITY, NEW ACCESS MANAGEMENT STANDARDS FOR MAJOR COLLECTOR ROADWAYS, NEW EASEMENT REQUIREMENTS FOR UNMANNED SITES, CHANGES TO ALLOW SWALE DRAINAGE SYSTEMS FOR CERTAIN LOCAL ROADS, ALLOWANCE FOR CONTRIBUTION TO A SIDEWALK FUND WHERE CONSTRUCTION OF SIDEWALKS ON CERTAIN ROADWAYS MAY BE WAIVED, CHANGES TO ROADWAY DESIGN REQUIREMENTS ON EXISTING ROADWAYS, NEW REQUIREMENTS FOR PLACING FILL ON LOTS TO CREATE THE ESTABLISHED GRADE OF A LOT, AND THE ESTABLISHMENT OF A MINIMUM SIZE OF LOT FOR A KENNEL. THE PROPOSED AMENDMENTS TO APPENDIX E INCLUDE CHANGES TO THE CLASSIFICATION OF CERTAIN ROADWAYS AS MAJOR COLLECTORS AND MINOR COLLECTORS FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN

Proof of publication of the notice of public hearing on the amendments to Article VI and Appendix E of the Land Development Code was received having been published in The St. Augustine Record on February 15, 2002.

Scott Clem, Director of Growth Management Services, reviewed the amendments. Discussion followed regarding maximum height of structures within the coastal area, single family residential driveways being allowed on an arterial or collector road, requirements for stabilizing unpaved easements and private roads, access classification, and the sidewalk fund. (3:31 p.m.) Joe Stephenson, Public Works Director, addressed the sidewalk fund. (3:36 p.m.) Michael Clem, 3405 SR 207, Vermont Heights, addressed roads in the Vermont Heights Subdivision. (3:41 p.m.) Richard Stark, 3365 7th Street, Vermont Heights, addressed roads in the Vermont Heights Subdivision. (3:46 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to enact Ordinance No. 2002-11, amending Article VI and Appendix E of the Land Development Code.**

ORDINANCE NO. 2002-11

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE VI AND APPENDIX E OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS

ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING PART 6.01.00 DISTRICT PERFORMANCE AND DIMENSIONAL STANDARDS; SPECIFICALLY REVISING SECTION 6.01.01 SCHEDULE OF DISTRICT AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS; REVISING 6.01.02 RESIDENTIAL SETBACKS TO COMMUNICATION ANTENNA TOWERS; REVISING SECTION 6.01.03 LOT WIDTH AREA AND YARD REQUIREMENTS; REVISING SECTION 6.01.04 ZERO LOT LINE RESIDENTIAL; AMENDING PART 6.02.00 SUBDIVISION DESIGN STANDARDS AND GUIDELINES; SPECIFICALLY REVISING SECTION 6.02.01 ACCESS; REVISING SECTION 6.02.05 ROADWAY LAYOUT; REVISING SECTION 6.02.06 SIDEWALKS; REVISING SECTION 6.02.11 FIRE PROTECTION; ADDING PART 6.03.00 FIRE PROTECTION REGULATIONS; ADDING SECTION 6.03.01 GENERALLY; ADDING SECTION 6.03.02 HYDRANTS; ADDING SECTION 6.03.03 WATER SUPPLY SYSTEMS; ADDING SECTION 6.03.04 ACCESSIBILITY REQUIREMENTS; AMENDING PART 6.04.00 ROADWAYS, DRAINAGE, & UTILITIES STANDARDS; SPECIFICALLY REVISING SECTION 6.04.01 DATA SUBMITTALS; REVISING SECTION 6.04.02 PERMITS; REVISING SECTION 6.04.04 CONSTRUCTION WITHIN RIGHTS-OF-WAY; REVISING SECTION 6.04.05 ACCESS MANAGEMENT; REVISING SECTION 6.04.06 STORMWATER MANAGEMENT; REVISING SECTION 6.04.07 ROADWAY DESIGN; REVISING SECTION 6.04.09 LAND EXCAVATION AND BORROW AREAS AND SILVICULTURAL OPERATIONS; REVISING SECTION 6.04.10 SPECIAL EXCEPTION; REVISING SECTION 6.04.11 CONNECTIONS WITH CENTRAL WATER & WASTEWATER SYSTEM REQUIRED WITH CERTAIN EXCEPTIONS; AMENDING PART 6.05.00 PARKING AND LOADING; SPECIFICALLY REVISING SECTION 6.05.02 PARKING AND LOADING STANDARDS; AMENDING PART 6.06.00 LANDSCAPING AND BUFFERING REQUIREMENTS; SPECIFICALLY REVISING SECTION 6.06.02 GENERAL STANDARDS AND GUIDELINES; REVISING SECTION 6.06.03 OFF-STREET VEHICULAR USE AREAS; REVISING SECTION 6.06.04 BUFFERING AND SCREENING REQUIREMENTS; REVISING SECTION 6.06.05 REVIEW, PERMITTING, AND COMPLIANCE PROCEDURES; AMENDING PART 6.07.00 HEIGHT REGULATION; SPECIFICALLY ADDING SECTION 6.07.01 GENERALLY; AMENDING PART 6.08.00 SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIED USES; SPECIFICALLY REVISING SECTION 6.08.01 GENERALLY; REVISING SECTION 6.08.02 ADULT CARE CENTER; REVISING SECTION 6.08.22 KENNEL; AND PROVIDING OTHER MISCELLANEOUS NUMBERING CHANGES THROUGHOUT ARTICLE VI; AMENDING APENDIX E ROADWAY FUNCTIONAL CLASSIFICATIONS; SPECIFICALLY REVISING THE LIST OF MAJOR COLLECTORS AND MINOR COLLECTORS; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

(02/26/02 - 12 - 3:46 p.m.)

10. PUBLIC HEARING - CONSIDERATION OF AWARD OF CABLE TV FRANCHISE - LITESTREAM TECHNOLOGIES. ON JULY 19, 2002, FOLLOWING VERBAL

DISCUSSION WITH BCC STAFF, AN APPLICATION FOR A CABLE TV (CATV) FRANCHISE WAS RECEIVED FROM LITESTREAM TECHNOLOGIES, LLC. THE COUNTY'S PROCESS FOR THE AWARD OF A CATV FRANCHISE IS GOVERNED BY THE REQUIREMENTS OF ORDINANCE 95-63, F.S. 166.046, AND THE FEDERAL CABLE ACT. ORDINANCE 95-63 REQUIRES THAT THE COUNTY AWARD A FRANCHISE ONLY AFTER HOLDING AT LEAST ONE PUBLIC HEARING. AT THE REQUIRED PUBLIC HEARING, ALL THE EXISTING FRANCHISE GRANTEEES ARE ALLOWED THE OPPORTUNITY TO SUBMIT OBJECTIONS TO OR REQUESTS FOR CLARIFICATION OF AN APPLICATION THAT AFFECTS THEM. THE SERVICE TERRITORY REQUESTED BY LITESTREAM, AS CAN BE SEEN BY THE MAP INCLUDED WITH THEIR APPLICATION, OVERLAYS AREAS OF THE SERVICE TERRITORIES GRANTED TO ALL THREE EXISTING GRANTEEES. AT THIS PUBLIC HEARING, THE BCC MAY MAKE ONE OF THREE DECISIONS. THE BCC MAY AWARD OR DENY THE AWARD OF A FRANCHISE TO LITESTREAM, OR THEY MAY CHOOSE TO HOLD ADDITIONAL PUBLIC HEARINGS PRIOR TO MAKING A DECISION CONCERNING AN AWARD

Proof of publication of the notice of public hearing on the consideration of award of Cable TV Franchise to Litestream Technologies was received having been published in The St. Augustine Record on February 23, 2002.

Michael Hunt, Assistant County Attorney, explained the changes to the ordinance. (3:53 p.m.) George McClure, 170 Malaga Street, requested the Board award the franchise. (3:55 p.m.) James Pennington, 103 Dolphin Drive, President of Auglink Communications, requested the Board deny awarding a franchise to Litestream Technologies. (4:02 p.m.) Bill Watson, 5934 Richard Street, Jacksonville, Director of Operations for A T & T Broadband, commented in opposition to the franchise. Discussion followed on liability, open access, and interconnecting. (4:21 p.m.) McClure further addressed the services that will be provided. (4:27 p.m.) **Motion by Jacalone, seconded by Reardon, carried 4/1 by a roll call vote, to enact Ordinance No. 2002-12, granting a Cable TV Franchise to Litestream Technologies, LLC., with the following corrections in the franchise agreement: on page 5, insert "750" in the blank in paragraph A; in Section V(A)(3)(a), change "one" to "two" in the first line; on page 13, insert the grantee's local registered agent as "Rogers, Towers Law firm, 170 Malaga Street, Suite A, St. Augustine, FL 32084."**

Roll Call Vote:

Kohnke	nay
Bryant	aye
Meiszer	aye
Reardon	aye
Jacalone	aye

Motion carried 4/1.

ORDINANCE NO. 2002-12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA GRANTING A NON-EXCLUSIVE FRANCHISE TO LITESTREAM TECHNOLOGIES, LLC, TO PROVIDE CABLE TELEVISION SERVICE IN A PORTION OF THE UNINCORPORATED AREA OF ST. JOHNS COUNTY, FLORIDA, SETTING FORTH THE TERMS, PROVISIONS,

CONDITIONS, AND REQUIRMENTS OF THE
FRANCHISE; AND PROVIDING AN EFFECTIVE DATE

(02/26/02 - 13 - 4:29 p.m.)
COMMISSIONERS' REPORTS

Commissioner Bryant:

No report.

(4:29 p.m.)
Commissioner Reardon:

No report.

(4:29 p.m.)
Commissioner Meiszer:

Meiszer reported that he was informed that the Council on Aging would not be able to utilize Trout Creek Park.

(4:33 p.m.)
Commissioner Kohnke:

Kohnke reported that the Corps of Engineers was at the Coalition meeting just recently, and they discussed the up and coming dredging of the Intercoastal waterway in Palm Valley. Kohnke said she informed them to contact the County Administrator to arrange to have a public meeting at one of the public schools in the Palm Valley area.

(4:34 p.m.)
Commissioner Jacalone:

Jacalone said he received a letter from the Beachside Homeowners Association regarding the conveyance of some of their roads to the County.

Jacalone reported on the seminar he attended in Tallahassee on the roles and responsibilities of county commissions regarding land use decisions.

Jacalone said he received a resolution from Gulf County regarding the affects the updated building code from the State will have on affordable housing. They have requested that other counties adopt a resolution and forward it to the legislative delegation to provide for some type of an exemption from the more expensive code requirements so that the housing units can remain somewhat affordable.

Jacalone said he received a letter from a customer expressing how Seaboard went above and beyond the call of duty to locate something that was trashed but was not meant to be trashed.

(02/26/02 - 14 - 4:40 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams said he would be attending the National Association of Counties Conference in Washington, D.C.

(02/26/02 - 14 - 4:41 p.m.)
COUNTY ATTORNEY'S REPORT

COUNTY ADMINISTRATOR'S REPORT

Adams said he would be attending the National Association of Counties Conference in Washington, D.C.

(02/26/02 - 14 - 4:41 p.m.)

COUNTY ATTORNEY'S REPORT

Lopez commented on a draft resolution in support of the citizens' right to participate in administrative processes. Lopez distributed copies of House Bills, Senate Bills, and Amendments that are referenced in the resolution. Lopez said that after review of the resolution, the amendments are not as dramatic as the resolution implies. Many of the items that are raised in the draft resolution are already in the existing law; they are not truly changes to the law.

(02/26/02 - 14 - 4:51 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Bryant, seconded by Reardon, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 4:51 p.m.

REPORTS:

1. St. Johns County Check Register approving checks 315376 through 315634 totaling \$1,556,518.30 (02/19/02)
2. St. Johns County Check Register approving checks 315635 through 315660 totaling \$42,612.81 (02/21/02)
3. St. Johns County Check Register approving checks 315661 through 315929 totaling \$973,877.57 (02/26/02)

CORRESPONDENCE:

1. Letter to Laura Cooper, St. Johns County School Board, enclosing certified copies of BCC minutes of joint meetings on 08/02/01 and 09/12/01 regarding redistricting (02/22/02)

Approved _____ March 19 _____, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: John L. Blat
Deputy Clerk