

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 7, 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: James E. Bryant, District 5, Chair
Nicholas Meiszer, District 1, Vice Chair
John Reardon, District 2
Marc Jacalone, District 3
Mary Kohnke, District 4
David Halstead, Assistant County Administrator
Daniel Bosanko, Deputy County Attorney
Judy Hamilton, Deputy Clerk

(05/07/02 - 1 - 9:04 a.m.)

The meeting was called to order by Chair Bryant.

Bryant recognized Mrs. Rogers' Third Grade Class from Bolles School, which was in attendance.

(05/07/02 - 1 - 9:05 a.m.)

The Invocation was given by Rev. Kenneth Asplund. The Pledge of Allegiance was led by Bryant.

(05/07/02 - 1 - 9:08 a.m.)

PROCLAMATION BY THE BOARD PROCLAIMING THE MONTH OF MAY, 2002 AS DRUG COURT MONTH

Kohnke read the proclamation into the record. The proclamation was received by Judge Robert Mathis, Circuit Court.

(05/07/02 - 1 - 9:13 a.m.)

PROCLAMATION BY THE BOARD PROCLAIMING MAY 11, 2002 AS LETTER CARRIERS FOOD DRIVE DAY

Reardon read the proclamation into the record. The proclamation was received by Julie Gustafson, Mail Carrier, and Pete Hefner, acting Post Master of St. Augustine.

(05/07/02 - 1 - 9:18 a.m.)

SPECIAL PROCLAMATION BY ASSISTANT COUNTY ADMINISTRATOR

Halstead read the proclamation into the record. The award was presented to Virginia Langston, office manager for the Building Department, who had retired after 30 years of service. Langston thanked the Board.

(05/07/02 - 2 - 9:20 a.m.)

OFFICIAL ADOPTION OF PROCLAMATIONS

Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt the previous proclamations as read.

(05/07/02 - 2 - 9:21 a.m.)

PUBLIC COMMENT

Cathy Brown, Executive Director of Council on Aging, 170 Marine Street, spoke on the month of May being designated as Older Americans Month, for which Pres. Bush had issued a proclamation, and which Brown read into the record. A video, which was produced by Shannon Holme, for her Senior thesis, was shown. Kohnke asked that the handbook be placed in the libraries. Reardon asked that it be placed on the Internet. *It was the consensus of the Board to have the handbook placed on the Internet as a public service.*

(9:31 a.m.) Ellen Whitmer, 1178 Natures Hammock Road, spoke on water bills and annexation.

(11:30 a.m.) Robin Nadeau, 26 Mickler Blvd., St. Augustine, urged the Board to let the people choose and suggested putting the referendum on the November ballot.

(05/07/02 - 2 - 9:34 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(05/07/02 - 2 - 9:35 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
 - 04/09/02 - BCC Regular Meeting
 - 04/16/02 - BCC Regular Meeting
 - 04/23/02 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2002-71**, authorizing the Clerk of Courts to file the survey map of Luther Beck Road and Byrd Road, claiming a vested right by St. Johns County in the right-of-way

RESOLUTION NO. 2002-71

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF LUTHER BECK ROAD AND BYRD ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC

**PER CASE LAW BERGER VS CITY OF CORAL GABLES,
101 SO.2D 396 (FLA. DIST. CT. APP.-3D DIST. 1958)**

4. Motion to adopt **Resolution No. 2002-72**, accepting easement for utilities for water and sewer service to Parcel A-One and Parcel C-One at Marshall Creek Subdivision

RESOLUTION NO. 2002-72

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO PARCEL A-ONE AND PARCEL C-ONE AT MARSHALL CREEK SUBDIVISION

5. Motion to adopt **Resolution No. 2002-73**, accepting an easement for utilities to provide sanitary sewer to Parcel 17, 18, 19 and 20, Saint Johns Northwest Quadrant

RESOLUTION NO. 2002-73

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES TO PROVIDE SANITARY SEWER TO PARCELS 17, 18, 19 AND 20, SAINT JOHNS NORTHWEST QUADRANT

6. Motion to adopt **Resolution No. 2002-74**, recognizing as unanticipated revenue \$19,789 in donations and appropriating the funds for use by the St. Johns County Library (Department 0078)

RESOLUTION NO. 2002-74

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2002 GENERAL FUND REVENUE BUDGET TO RECEIVE UNANTICIPATED REVENUE FROM DONATIONS AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY LIBRARY

7. Motion to adopt **Resolution No. 2002-75**, recognizing as unanticipated revenue \$27,300 from the St. Johns Water Management District and appropriating the funds for use by the St. Johns County Utility Department

RESOLUTION NO. 2002-75

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2002 UTILITY FUND CIP BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT

8. Motion to allow the County Administrator, or his designee, to negotiate with and enter into continuing contracts with Berryman & Henigar, Inc. and Jones

Edmonds & Associates, Inc. for RFP 02-58, GIS Consulting Services for the Utility Department (*See Attachment "A"*)

9. Motion to approve the re-allocation of Funds from the Exterior Signs Project to the Card Access Installation Project for the Judicial Center Maintenance Department
10. Motion to approve the re-allocation of funds from the Parking Lot Improvements Project to HVAC Controls Upgrade Project for the Health and Human Services Center
11. Motion to adopt **Resolution No. 2002-76**, changing a road name from East Eagle Point Drive to Eagle Point Drive

RESOLUTION NO. 2002-76

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CHANGING A ROAD NAME FROM EAST EAGLE POINT DRIVE TO EAGLE POINT DRIVE

12. Motion to adopt **Resolution No. 2002-77**, naming a road Chapman Village Drive

RESOLUTION NO. 2002-77

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING A ROAD CHAPMAN VILLAGE DRIVE

13. Proofs:
 - a. Proof, Notice of Final Hearing, Application for Extension of Service Territory by Intercoastal Utilities, Inc., May 7, 2002
 - b. Proof, Request for Proposals, Banking Services
 - c. Proof, Notice to Bidders, Bid No. 02-85
 - d. Proof, Notice to Bidders, Bid No. 02-84
 - e. Proof, Notice to Bidders, Bid NO. 02-82
 - f. Proof, Certificate of Liability Insurance, PBM Constructors, Inc.
 - g. Proof, Certificate of Insurance, Maltby, Gregory and Andrea

(05/07/02 - 4 - 9:35 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Kohnke requested the addition of Agenda Item #11a, Ponte Vedra Point Final Plat Resolution. Halstead requested Item #10 be pulled and rescheduled for May 21, 2002, at 1:30 p.m.

(05/07/02 - 4 - 9:37 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/07/02 - 5 - 9:37 a.m.)

1. DISCUSSION OF A RESOLUTION SUPPORTING THE CONSTRUCTION OF A NEW, ARCHITECTURALLY SIMILAR TWO-LANE BRIDGE OF LIONS

Bryant introduced this item. John Daniels, Citizens for a Safe New Bridge of Lions, 61 Avista Circle, St. Augustine, addressed the Board, stating their position and utilizing visual display. The issue was discussed by the Board.

Public comments were then received. (10:17 a.m.) Walt Bugeski, 405 Arredondo Ave., St. Augustine, spoke on helping to turn the issue around. (10:23 a.m.) John Danahy, 101 Oglethorpe Blvd., St. Augustine, spoke against the proposed resolution. (10:26 a.m.) Wilton Rooks, 151 Santa Monica Avenue, St. Augustine, spoke in support of the current bridge plan. (10:29 a.m.) Theresa Segal, 126 Oneida St., spoke on petition to save the bridge. (10:34 a.m.) David Drysdale, 140 Pelican Reef Drive, St. Augustine, spoke in favor of the resolution before the Board this date.

The meeting recessed at 10:40 a.m. and reconvened at 10:45 a.m.

Albert Holmberg, 11 Lake Shore Dr., St. Augustine Beach, spoke in favor of a new and safe bridge. (10:49 a.m.) Bill Rose, 33 Valencia St., St. Augustine, encouraged the Board to approve the resolution presented. (10:53 a.m.) William Cook, 311 Boating Club Road, St. Augustine, spoke in favor of the old bridge and thought they needed to live with their history. (10:54 a.m.) James B. Abbott, 8376 A1A South, St. Augustine, spoke on endorsement of their recommendations to DOT. (10:56 a.m.) Nancy Sikes-Kline, 15 Miruela St., presented a handout to the Board and spoke on misinformation in the proposed resolution. (11:00 a.m.) Ben Adams entered the meeting, and Halstead left the meeting. (11:02 a.m.) Michael Greenberg, 2 St. Andrews Ct., St. Augustine, spoke about retention of the old bridge, transportation and in support of the resolution.

Further discussion ensued. (11:14 a.m.) **Motion by Meiszer, seconded by Kohnke, carried 3/2 via roll call vote:**

Bryant	No
Meiszer	Yes
Reardon	Yes
Jacalone	No
Kohnke	Yes

to table the matter.

(05/07/02 - 5 - 11:16 a.m.)

2. CONSIDER A RESOLUTION APPROVING THE POLICIES AND PROCEDURES FOR THE OPERATION AND MANAGEMENT OF THE NEW DAVIS PARK LOCATED IN NORTHEAST ST. JOHNS COUNTY

Dan Weimer, Director of Recreation and Parks, made a presentation to the Board of the resolution and policies and procedures. Discussion was held on the proposed resolution. **Motion by Kohnke, seconded by Reardon, carried 5/0, adopt Resolution No. 2002-78, authorizing the adoption of the Policies, Procedures and Fees for the use of the facilities at the new Davis Park, approving of the fee schedule, and establishing a revenue fund, and providing for an effective date, the resolution amended as follows: Paragraph #3: "A special revenue fund ~~account~~ shall be established allowing for the acceptance and use of revenues collected at Davis Park."** and to add the following paragraph to page 8 "Item 9.b. – This schedule of fees may

be amended by amending this resolution or by Board of County Commission action in the annual budget process.”

RESOLUTION NO. 2002-78

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE ADOPTION OF POLICIES, PROCEDURES AND FEES FOR THE USE OF FACILITIES AT DAVIS PARK; APPROVING A FEE SCHEDULE; ESTABLISHING A REVENUE ACCOUNT; PROVIDING FOR AN EFFECTIVE DATE

(05/07/02 - 6 - 11:31 a.m.)

3. CONSIDER A REQUEST FOR ENDORSEMENT OF THE PROPOSED WILLIAM BARTRAM SCENIC & HISTORIC HIGHWAY ELIGIBILITY APPLICATION

Donna Godfrey, Senior Planner, presented this issue to the Board, utilizing visual display, asking for Board endorsement. Brief discussion ensued. **Motion by Jacalone, seconded by Meiszer, carried 5/0, to approve and to direct the Chairman to execute the proposed Eligibility Application for the Florida Department of Transportation’s Scenic Highway designation of State Road 13.** Mary Cornwell, 2652 SR 13, Switzerland, thanked everybody for their help and assistance.

(05/07/02 - 6 - 11:45 a.m.)

4. CONSIDER A REIMBURSEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DEVELOPMENT OF A CORRIDOR MANAGEMENT PLAN FOR THE WILLIAM BARTRAM SCENIC HIGHWAY

Godfrey presented this item to the Board for consideration. **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-79, authorizing the County Administrator to execute and deliver to the State of Florida Department of Transportation the Reimbursement Agreement for the development of a Corridor Management Plan (CMP) for the William Bartram Scenic & Historic Highway, and recognizing \$50,000 in unanticipated revenue from the FDOT for the purpose of developing a CMP for said roadway.**

RESOLUTION NO. 2002-79

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A REIMBURSEMENT AGREEMENT RECOGNIZING UNANTICIPATED REVENUE AND PROVIDING AN EFFECTIVE DATE

Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-80, which transfers \$30,000 from the General Fund Reserve (0083-59920) to the Planning Department (0018-53120) to provide funds in addition to those of the FDOT for the development of a Corridor Management Plan for the William Bartram Scenic & Historic Highway.

RESOLUTION NO. 2002-80

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING TRANSFER OF FUNDS FROM THE GENERAL FUND RESERVE AND PROVIDING AN EFFECTIVE DATE

(05/07/02 - 7 - 11:48 a.m.)

5. CONSIDER EXECUTING A NATIONAL SCENIC BYWAYS GRANT APPLICATION FOR "SCENIC & HISTORIC A1A" MASTER PLAN

Vickie Renna, Principal Planner, made presentation of this item to the Board. Discussion was then held. (11:50 a.m.) Bosanko left the meeting and Assistant County Attorney Michael Hunt entered the meeting. **Motion by Reardon, seconded by Kohnke, carried 5/0, to direct the County Administrator to execute the National Scenic Byway—Master Plan Application for "Scenic and Historic A1A" and to authorize execution of Letters of Support by the BCC members.**

(05/07/02 - 7 - 12:05 p.m.)

6. CONSIDER LETTER OF SUPPORT FOR AN APPLICATION FOR SEED MONEY FOR A NATIONAL SCENIC HIGHWAY GRANT PROGRAM COMBINING ST. JOHNS AND FLAGLER COUNTY'S APPLICATION NAMED AS "A1A SCENIC & HISTORIC HIGHWAY"

Renna presented this item for the Board's consideration. Brief discussion ensued. **Motion by Reardon, seconded by Kohnke, carried 5/0, to support the preparation and signature of Support Letters for the National Scenic Byway—Seed Money Grant for the combined St. Johns/Flagler Counties "A1A Scenic and Historic Coastal Highway."**

Motion by Kohnke, seconded by Jacalone, to move the rest of the agenda to the 1:30 p.m. session.

The meeting recessed at 12:09 p.m. and reconvened at 1:35 p.m. with Bryant, Jacalone, Meiszer, Adams, Bosanko, Strickland, Tillis, and Deputy Clerk Lenora Newsome present.

Bryant announced that they had a quorum with Bryant, Meiszer, and Jacalone. Kohnke and Reardon were not yet present at the meeting.

(05/07/02 - 7 - 1:35p.m.)

7. DISCUSSION OF THE 2002 FLORIDA COMMUNITIES TRUST GRANT CYCLE LAND ACQUISITION ISSUE

Vickie Renna, Principal Planner, reviewed this item, stating that the Florida Community Trust 2002 Grant Cycle begins in May. A new FCT rule requires Counties with a population over 75,000 to provide a minimum match of 25% of the total project cost. The total FCT grant award limit is \$6.6 million. The FCT grant seeker cannot obtain funding from two different state agencies to finance the same project. (1:38 p.m.) Kohnke entered the meeting. (1:39 p.m.) Reardon entered the meeting. The Board expressed their views. Dan Weimer, Parks and Recreation, explained that the TDC funding was used for beach property. Utilizing the overhead projector, Weimer explained the 2002 Priority Land Acquisition Projects List. Kohnke spoke on carrying

the money that is not used, forward to the next year, getting different people involved in the projects, and the presentation today not having enough information. Weimer explained that Recreation's concern was that the grant cycle has now opened, will close in another two months and having to get the applications in so as not to lose the money. Kohnke suggested that everyone get together, discuss things and come back to the Board with one or two suggestions. Bryant suggested each Commissioner rank the four top priorities, give it back to Renna to take back to the LAMP Board, and then bring it back to the BCC for their decision. Jacalone recommended scheduling this item back on the agenda, providing more information, and the Commission have a workshop on it. Discussion followed on bringing this item back to the Board providing more information, and the bottom line being how much money the County would be willing to commit. Roger Van Ghent spoke on the properties for sale that they have listed. Bosanko explained the legal term of the word encumber. Meiszer stated that one could set up a separate fund to carry money over. Kohnke suggested creating a fund to carry the money over. Discussion followed on creating a separate fund that has no real dedicated source of revenue, other than a transfer from the General Fund.

(2:28 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on providing to the Board information they requested and the property list in front of the Board now.

(2:33 p.m.) Robin Nadeau, 26 Mickler Blvd., stated that she would like to have a workshop before May 22, 2002.

(2:34 p.m.) Sarah Bailey, 2202 Bishop Estates Road, spoke on acquiring land and suggested voting on a couple of projects today to get started.

(2:38 p.m.) Dante Salamone, 5225 Datil Pepper Road, stated that he would like to see an evaluation form to generalize what everyone is looking for. Bosanko left the meeting and Michael Hunt, Assistant County Attorney, entered the meeting.

(05/07/02 - 8 - 2:42 p.m.)

8. DISCUSSION OF A POSSIBLE PURCHASE OF THE CRESCENT COVE WATER SYSTEM

Bill Young, Director of Utilities, reviewed this item utilizing the overhead projector. He stated that he was here today to request the Board's approval to schedule a public hearing to determine the public interest as a result of the County's potential purchase of the Crescent Cove Utility. **Motion by Meiszer, seconded by Reardon, carried 5/0, to set June 4 as the public hearing date at 1:30 p.m. for this item.** Hunt left the meeting and Bosanko entered the meeting.

(05/07/02 - 8 - 2:47 p.m.)

9. UPDATE ON THE PROGRESS ON THE PREPARATION OF THE HABITAT CONSERVATION PLAN

Jan Brewer, Environmental Manager, reviewed this item, utilizing the overhead projector. The subjects she covered were; what is a habitat plan, incidental take permit, and why the County is applying for an incidental take permit. Bosanko explained that the County is applying for an incidental take permit because they see it as an insurance policy for the County and as a major protection to the County. Brewer continued with reviewing the progress to date, stakeholders meetings, coordination progress with County Staff, and detail of conservation plan and process. Kohnke suggested adding the Bear Foundation to the list. Kohnke asked questions about only having property tax information available through 1997, and on an incidental take permit making people more careless. Brewer responded that she would like to give these questions to Heather

McCarthy to answer. Meiszer questioned how a party not affiliated with the County would be covered by the County's incidental take permit. Bosanko explained.

(2:58 p.m.) Heather McCarthy, Senior Scientist Ecological Associates, Inc., Jacksonville Beach, reviewed the habitat conservation planning process, what the incidental take permitting process was, insurance criteria, if St. Johns County could apply for an ITP and not be granted the permit, how long the process would take, how long the HCP process would take, the implementation stage, if the HCP process had been used elsewhere, if HCP process has been successful in Volusia County, why St. Johns County should apply for ITP, if beach driving is really causing take of beach mice or sea turtles in St. Johns County, if beach lighting cause more take of sea turtles than beach driving, if implemented would HCP affect public access to the beach in any way, that an ITP is not a license to kill sea turtles and beach mice, how much it would cost to implement HCP, and how much it would cost not to implement HCP. Brewer gave an update on their progress; gave a revised timeline for the Habitat Conservation Plan Public Meetings and BCC Hearings.

(3:18) Roger Van Ghent, 4005 Moultrie Foreside Blvd., stated that he would be looking at all the documents carefully; at the cost and benefits closely and that he was not happy with the way the plan was going in Volusia County

The meeting recessed at 3:20 p.m. and reconvened at 3:26 p.m.

Bosanko announced that item 10 on the agenda, Public Hearing for non-zoning variance 02-006 Serenata Beach Offsite Parking would be continued until May 21, 2002 at 1:30 p.m.

10. PUBLIC HEARING - NZVAR 02-006 SERENATA BEACH OFFSITE PARKING. STAFF IS REQUESTING A CONTINUANCE OF THIS ITEM UNTIL MAY 21, 2002 AT 1:30 P.M. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO THE PARKING DESIGN STANDARDS SECTION 6.05.05.H.6 AND PERIMETER BUFFER REQUIREMENTS SECTION 6.06.03.C OF THE LAND DEVELOPMENT CODE

Proof of publication of notice of public hearing on PUD 02-0006 Serenata Beach, was received having been published in The St. Augustine Record on April 22, 2002.

This item was continued to May 21, 2002 at 1:30 p.m.

(05/07/02 - 9 - 3:27 p.m.)

11. PUBLIC HEARING - FINAL APPROVAL OF WATER & SEWER AUTHORITY PRELIMINARY ORDER #02-00003, APPROVING EXTENSION OF SERVICE AREA FOR INTERCOASTAL UTILITIES, DOCKET #01-0007-0024. THE ST. JOHNS COUNTY WATER AND SEWER AUTHORITY, AT ITS APRIL 3, 2002 MEETING, APPROVED PRELIMINARY ORDER #02-00003, APPROVING EXTENSION OF SERVICE AREA FOR INTERCOASTAL UTILITIES, INC. (APPROX. 19 ACRES) TO INCLUDE PONTE VEDRA POINT. THE AUTHORITY DETERMINED THE UTILITY MET THE TECHNICAL REQUIREMENTS FOR EXTENSION OF THEIR SERVICE AREA. THE UTILITY PAID THE APPROPRIATE DEPOSIT, COMPLIED WITH THE REQUIRED NOTICING AND ADVERTISING REQUIREMENTS AND SATISFIED THE EXPEDITED PROCEDURE REQUIREMENTS AND NO OBJECTIONS TO THE APPLICATION WERE FILED. THE UTILITY IS IN VIOLATION OF BOARD ORDER #01-00014, ORDER DENYING INTERCOASTAL UTILITIES, INC. PETITION FOR REVIEW OF FINAL ORDERS, WHICH UPHELD HEARING

OFFICER'S ORDER GRANTING STAFF'S MOTION TO COMPEL DISCOVERY. THIS MATTER IS UNDER APPELLATE REVIEW IN THE 7TH JUDICIAL CIRCUIT. VIOLATION OF A BOARD ORDER CAN BE GROUNDS FOR DENIAL OF THE UTILITY'S APPLICATION. THE AUTHORITY CONCLUDED THAT TO DENY THE APPLICATION, ON ANYTHING OTHER THAN THE TECHNICAL REQUIREMENTS, WOULD NOT PENALIZE THE UTILITY DUE TO THE SMALL SCALE OF THE EXTENSION REQUEST, BUT RATHER IT WOULD PENALIZE THE DEVELOPER AND FUTURE CUSTOMERS. THE AUTHORITY APPROVED PRELIMINARY ORDER #02-00003 BASED ON THE TECHNICAL ASPECTS OF THE APPLICATION. THE AUTHORITY CONCLUDED THAT THE BOARD SHOULD ADDRESS FINAL CONSIDERATION OF POLICY ISSUES

Proof of publication of notice of public hearing on final hearing application for extension Intercoastal Utilities Inc. was received having been published in The St. Augustine Record on April 15, 2002.

George Flint, Executive Director, St. Johns County Water and Sewer Authority, stated that the item before the Board is an application by Intercoastal Utilities to expand their service area and explained. (3:31 p.m.) Reardon entered the meeting. **Motion by Kohnke, seconded by Jacalone, to approve Final approval of the Water and Sewer Authority Preliminary Order #02-0003, approving extension of service area for Intercoastal Utilities, Docket No. 01-0007-0024.** Meiszer mentioned that he finds it astounding that the Water and Sewer Authority would consider an applicant that is in violation of its permits, submitting an application to expand its service area. Flint responded. Bosanko stated that he was not at the Water and Sewer meeting, but he did consult with Mr. Dobson and George Flint about why it shouldn't be denied and explained. He stated that the Board could turn it down by violation if they choose. Geoff Dobson, 66 Cuna Street, on behalf of the Utility Authority, responded that this was a policy question that should be answered by the Board. Flint reviewed the thought process of the Authority and why they agreed to authorize this extension. Flint spoke on the motions filed with the Hearing Officer. (3:42 p.m.) Gary Davenport, 3266 Pacetti Road, representing owner of property who is building the 16 lots, spoke in support of it. **The motion carried 5/0.**

(05/07/02 - 10 - 3:43 p.m.)

11a. PONTE VEDRA FINAL PLAT RESOLUTION

Kathy Nielsen, Development Review Applications Coordinator, explained that this is the 16-lot plat that the Board just voted on the expansion of utility for. Bosanko questioned if the DEP Permit provision was in the present resolution. Nielsen responded that it was not in the present resolution, but was in the resolution on file in the Clerk's Office to be signed. She stated that there was an added condition to the resolution regarding that the required DEP Permits for the subdivision be submitted to her department prior to the plat going over and getting recorded. **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve Resolution No. 2002-81 approving the final plat for Ponte Vedra Pointe.**

RESOLUTION NO. 2002-81

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR PONTE VEDRA POINTE

(05/07/02 - 11 - 3:34 p.m.)

12. PUBLIC HEARING - FNZVAR- 2002-001 SADDLEBROOK NON-ZONING VARIANCE. THIS IS A NON-ZONING VARIANCE TO THE FIRE PROTECTION (SECTION 6.02.11.B) AND CENTRAL WATER CONNECTION (SECTION 6.04.11) REQUIREMENTS OF THE LAND DEVELOPMENT CODE. THE APPLICANT PROPOSES TO SUBDIVIDE 30 ACRES INTO 12 - 2 ½ ACRE LOTS THAT WILL FRONT ON MORRISON ROAD. THE PROJECT BEGINS ¼ MILE EAST OF STATE ROAD 206 AND ENDS AT GEORGE MILLER ROAD. THE PROJECT IS UNDERGOING REVIEW THROUGH DEVELOPMENT SERVICES AND WILL COMPLY WILL ALL OTHER REQUIREMENTS OF THE LAND DEVELOPMENT CODE. SECTION 6.04.11 OF THE LAND DEVELOPMENT CODE REQUIRES NEW SUBDIVISIONS TO CONNECT TO CENTRAL WATER AND SEWER IF THE UTILITY IS AVAILABLE WITHIN ½ MILE. HASTINGS UTILITY HAS AVAILABLE WATER LINES AT THE NEW HASTINGS FIRE STATION THAT IS 0.3 MILES FROM THE PROPOSED SUBDIVISION. CENTRAL SEWER IS NOT AVAILABLE WITHIN ½ MILE. THE APPLICANT PROPOSES TO PROVIDE WATER AND SEWER VIA ON-SITE WELLS AND SEPTIC TANKS/DRAINFIELDS. SECTION 6.02.11.B OF THE LAND DEVELOPMENT CODE REQUIRES NEW DEVELOPMENT WITH 11 OR MORE DWELLING UNITS TO EXTEND THE CENTRAL WATER LINE IF IT IS WITHIN ½ MILE OF THE PROJECT OR INSTALL A PRIVATE PRESSURIZED WATER MAIN WITH FIRE HYDRANTS EVERY 660 FEET APART. THE APPLICANT PROPOSES TO INSTALL DRY HYDRANTS AND AUTOMATIC FIRE SPRINKLERS IN EACH HOUSE. HOWEVER, SPRINKLERS ARE NOT BEING PROPOSED FOR THE HOUSE CURRENTLY UNDER CONSTRUCTION. AUTOMATIC FIRE SPRINKLERS ARE NOT REQUIRED AND IF INSTALLED DO NOT PROVIDE AN EXCEPTION TO THE WATER LINE REQUIREMENTS. STAFF CANNOT SUPPORT THESE VARIANCE REQUESTS

Proof of publication of notice of public hearing on File #FNZV 02-001 Saddle Brook Subdivision, was received having been published in The St. Augustine Record on April 17, 2002. Jacalone left the meeting.

John Ruley, Fire Department Plans Examiner, utilizing the overhead projector, reviewed this item, stating that this was a non-zoning variance to the Fire Protection (Section 6.02.11.B) and Central Water Connection (Section 6.04.11) requirements of the Land Development Code and that the applicant proposes to subdivide 30 acres into 12-2 ½ acre lots that would front on Morrison Road and explained. He stated that Staff could not support this variance request. Discussion followed on the line from the fire station to the site being three tenths of a mile from the site, the size of the line, how much water flows through the fire hydrants, not supporting the variance request because of having a second option of putting in a private pressurized water line system for their development, there not being sufficient water out of the Hastings Water Department, the suggestion of the applicant putting a well in, putting in a dry hydrant system, and the central system that was available having a capacity problem.

(3:58 p.m.) Ralph Morris, 1 First Lane, representing four families, spoke on, utilizing the overhead projector, establishing a system so all four of them could live on the property. Jacalone questioned when a subdivision less than 20 lots is proposed, is water and sewer required. Darrell Locklear, Development Review Engineer Manager, responded that one would have to install dry lines, so when water did become available one would then have to connect the dry lines to that available central water system. Morris stated that they don't have any streets to install the dry lines in. Jacalone questioned Morris other than the fire protection part of the Land Development Code, if he had any other

problems meeting the Land Development Code of the County for this subdivision that he was proposing. Morris responded. Bosanko stated that Morris is asking for two variances; one for the drinking water connection, and the other one for the fire connection. He stated that one of the key requirements for non-zoning variance is not to just save money but needs a practical reason. Reardon stated it was a hardship because the City of Hastings doesn't have the capacity to run the lines themselves. Morris stated that they are going to sprinkle the inside of the homes with the fire protection system. Discussion followed on the explanation of requirements on 11 or more lots, central water, and having central water for fire. Bosanko replied based on the information that Morris disclosed, there was some evidence other than just finance for the variance. He recommended taking one variance at a time in the motions. Morris mentioned that it cost \$90,000 to run lines. **Motion by Jacalone, seconded by Kohnke, to approve FNZVAR 2002-001 with conditions; to 0411 of the Land Development Code pertaining to central water requirement with no conditions offered on that request, that the request is valid because of central sewer not available and of the total number and size of the lots in this development would be more apply supplied water by individual wells on site.** (4:31 p.m.) Dante Salamone, 5225 Datil Pepper Road, spoke on the water line. **The motion carried 5/0. Motion by Jacalone, seconded by Reardon, carried 5/0, to support the second part of FNZVAR 2002-001 with no conditions, the motion is supported by the fact that the requirements of the Code provision can't be met because service is not available at the capacity that the Code requires and the five reference requirements on page 3.**

The meeting recessed at 4:40 p.m. and reconvened at 4:45 p.m. Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Judy Hamilton entered the meeting.

(05/07/02 - 12 - 4:45 p.m.)

13. PUBLIC HEARING - DEV AGREE 2001-01 - T.W ACQUISITIONS INC. DEVELOPMENT AND IMPACT FEE AGREEMENT FOR TAYLOR WOODROW/ST. JOHNS FOREST PLANNED UNIT DEVELOPMENT. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS. THE SECOND PUBLIC HEARING IS SCHEDULED FOR MAY 14, 2002. THE PUD REZONING REQUEST IS ALSO SCHEDULED FOR MAY 14, 2002. THE DEVELOPERS (T W ACQUISITIONS, INC.) OF THE ST. JOHNS FOREST PUD HAVE PROPOSED A DEVELOPMENT AGREEMENT WITH ST. JOHNS COUNTY. THE PROPOSED DEVELOPMENT AGREEMENT WILL SERVE AS THE DEVELOPERS' COMMITMENT TO BUILD THE TRANSPORTATION FACILITIES NECESSARY TO SERVE THE IMPACTS OF THE PROPOSED DEVELOPMENT, SPECIFICALLY IMPROVEMENTS THAT PROVIDE ADEQUATE ROADWAY CAPACITY ON LINK #35 (CR 210 FROM LEO MAGUIRE PARKWAY TO INTERSTATE 95) TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS. A REQUEST FOR APPROVAL OF ROAD IMPACT FEE CREDITS IS INCLUDED IN THE AGREEMENT. COUNTY ROAD 210 IS CONSIDERED AN "OFF-SITE" ROADWAY AND IS CLASSIFIED AS A MAJOR COLLECTOR BY THE COUNTY, THUS THE COST OF THE IMPROVEMENTS TO CR 210 ARE ELIGIBLE FOR IMPACT FEE CREDITS. THE CONCURRENCY REVIEW COMMITTEE (CRC) REVIEWED THE PROPOSED AGREEMENT ON APRIL 10, 2002. THE CRC VOTED (3-0) TO SUPPORT THE PROPOSED AGREEMENT IN THAT THE PROPOSED IMPROVEMENT IS SUFFICIENT TO PROVIDE ADEQUATE CAPACITY ON CR 210 TO ACCOMMODATE IMPACTS FROM THE PROJECT. THE CRC DID NOT PROVIDE A RECOMMENDATION ON THE REQUEST FOR IMPACT FEE CREDITS, WHICH DO NOT FALL WITHIN THE JURISDICTION OF THE CONCURRENCY REVIEW COMMITTEE

Proof of publication was received on the PUD SJ Forest, having been published in *The St. Augustine Record* on April 22, 2002.

Teresa Bishop, Planning Director, made presentation to the Board. Bosanko read revisions into the record. Discussion ensued with Scott Clem, Director of Growth Management Services, answering questions of the Board. Further discussion ensued. (5:21 p.m.) George McClure, 170 Malaga Street, representing the applicant, clarified answers to questions the Board had asked. More discussion followed. Public comment was then received. (5:37 p.m.) Lamar Morris, 2470 CR 210 West, spoke on design problems on a corner of his property, utilizing a map, and concerns on wetlands. McClure responded. (5:40 p.m.) Jeff Maron, 300 Southlake Drive, spoke in favor of road improvements. (5:41 p.m.) Robert Esposito, 308 Aster Place South, spoke in support of the development. (5:43 p.m.) Karl Sanders, Edwards & Cohen, P.A., 200 N. Laura Street, Suite 1200, Jacksonville, spoke on representing Sampson Civic Association, and made two points on impacts and concurrency. (5:48 p.m.) Ward Koutnik, 6620 Southpoint Drive S. #120, Jacksonville, representing Sampson Civic Association spoke on concerns and questions to be answered in following weeks.

Kohnke requested if any major changes were made have it in agenda books for the next meeting or the item would be postponed. Reardon announced the second hearing was scheduled for May 14, 2002 at 1:30 p.m.

(05/07/02 - 13 - 6:02 p.m.)
COMMISSIONERS' REPORTS

Commissioner Jacalone:

No report.

Commissioner Meiszer:

Meiszer commented on the sign ordinance and selective enforcement, stating temporary signs violate the sign ordinance. He recommended the sign ordinance be amended that when the County sponsors any official event, it be allowed to put up signs on County right-of-way, for a reasonable time period, and that they be picked up. Discussion followed.

Commissioner Reardon:

Reardon reported on Turtle Town cleanup held last weekend, stating it was a success. Reardon reported on the Hastings Playground dedication. He stated new playground equipment would be placed in St. Augustine South. Reardon said he had attended the northwest Coalition Meeting. Reardon inquired if the Government TV could advertise the Letter Carrier Food Drive.

Commissioner Kohnke:

Kohnke spoke on possible refunds from JEA; she stated a letter had been drafted and sent off this date. Kohnke reported the opening date for the Palm Valley Bridge was July 13, at 9:00 a.m.

Commissioner Bryant:

Bryant reported on SR 13 traffic signal and a letter of support. Bryant commented about comments made to the Board on the Bridge of Lions issue and stated the Chair would not allow derogatory comments.

(05/07/02 - 14 - 6:20 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reported on the walkthrough of the Primary Care Center. Adams spoke on the Shannon Road issue.

(05/07/02 - 14 - 6:21 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(05/07/02 - 14 - 6:22 p.m.)

CLERK'S REPORT

Strickland submitted the Interim Financial Report for the Period ended March 31, 2002.

The meeting adjourned at 6:26 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #318046 through #318430 dated 04/23/02
2. St. Johns Board of County Commissioners Check Register, Check #318431 through #318440 dated 04/30/02
3. St. Johns Board of County Commissioners Check Register, Check #318441 through #318460 dated 05/02/02
4. St. Johns Board of County Commissioners Check Register, Check #318461 through 319039, totaling \$1,865,110.21, dated 05/07/02

CORRESPONDENCE:

1. Letter dated April 24, 2002 from Connie Evans, Florida Department of State Bureau of Election Records, regarding being in receipt of the manual signatures, under oath, filed by James E. Bryant as Chairman and Nicholas M. Meiszer as Vice Chairman of the Board of County Commissioners, St. Johns County, Florida.

Approved May 22, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk