

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 21, 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
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Lenora Newsome, Deputy Clerk

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

(05/21/02 - 1 - 9:04 a.m.)

The meeting was called to order by Chair Bryant.

(05/21/02 - 1 - 9:04 a.m.)

The Invocation was given by Rev. Cordelle Holloway of St. Augustine Church of Christ. The Pledge of Allegiance was led by Kohnke

(05/21/02 - 1 - 9:06 a.m.)

ROLL CALL

Bryant mentioned to let the record reflect that all five Commissioners were present.

(9:07 a.m.) Kohnke mentioned that last night the Board of the Ponte Vedra Community Association presented to the Board of County Commissioners a framed picture of Hurricane Floyd.

(05/21/02 - 1 - 9:08 a.m.)

PRESENTATION OF CERTIFICATES OF APPRECIATION TO THE ST. JOHNS COUNTY VEST-A-DOG CAMPAIGN PARTICIPANTS

Reardon explained this presentation. Vince Faltizzi explained the procedures of this event. Danielle Faltizzi spoke about her commercial at WSOS with Frank Everch. Chuck Mulligan, Sheriff Office, explained that they had received enough money to get bullet-proof-vests for all the dogs they have now and the two new dogs they expect to get in the future. Faltizzi stated that Mulligan was the key to making this entire thing work. Reardon presented the certificate of appreciation to each individual; Danielle Faltizzi, Eric Faltizzi, Brittany King, Lauryn King, Alexis Carpenter, Frank Everch, and Chuck Mulligan.

(9:20 a.m.) CERTIFICATE OF EXCELLENCE FOR WORLD LIFESAVING CHAMPIONSHIPS IN DAYTONA BEACH

Jacalone presented the certificates to Josh Romaine for competing and winning the Bronze Medal in the rescue swim, to Johnny Bush for winning the Gold Medal in the Masters Beach Medley, to David Williams for winning the Gold Medal in the Masters Beach Medley, and to David Slemple for winning the Gold Medal in the Masters Beach Sprint and the Beach Flag Event representing St. Johns County and the United States. David Williams stated there was a beach sprint relay and explained the event.

(05/21/02 - 2 - 9:24 a.m.)
PUBLIC COMMENT

Clara Cowen, 244 Patrick Mill Circle, President of the Seaside Homeowner's Association, spoke on receiving a call from a homeowner who tried to pull a permit to enclose an existing screened porch and found out that his house had been previously built out of compliance with the PUD side set back. She requested for the Board to find out how this happened and to waive the \$500 fee. Jacalone stated that it was the responsibility of the person building the home to know the placement of the house. Kohnke disagreed with Jacalone and stated that somebody must accept responsibility for the houses being put in the proper setbacks. Bryant directed Adams to check this out and bring it back to the Commission on a regular meeting date. Meiszer questioned how many of these homes were built by the same contractor. Cowen remarked that the homes were all built by the same contractor, Shaffer and Sons. Bryant directed Adams to check to see if the company was still in business. Kohnke suggested, when it comes back before the Board, there should be a resolution to waive the fees along with the minor modification at the same time. Let the PZA know that the Board approved these fees being waived.

(9:34 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, requested that item #12 and #13 not be postponed.

(9:36 a.m.) Louise Thrower, 288 Orange Avenue, spoke on, utilizing the overheard projector, the dates set for presentation and maps available for St. Johns Co to Clay Co. Bridge news, and spoke on Consent Agenda item #9 and #3. She spoke on Virginia Langston's retirement of 27 years from the County. Kohnke mentioned that item #9 on the Consent Agenda was a motion to establish a hearing date.

(9:41 a.m.) Don Beattie, 808 Mill Pond Court, stated there was no justification for continuing item 12 and 13. Bosanko suggested the details mentioned by Beattie should be brought up at the hearing. Discussion followed on not hearing the testimony now.

(05/21/02 - 2 - 9:47 a.m.)
DELETIONS TO CONSENT AGENDA

Bryant requested to pull Consent item #1 and place it on the Regular Agenda as item "A" to include additional payables.

(05/21/02 - 2 - 9:48 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

This item was pulled and placed on the Regular Agenda as item "A".

2. Approval of Minutes:
05/07/02 – BCC Regular Meeting
3. Motion to adopt **Resolution No. 2002-89** accepting an easement for utilities for water and sewer service to Anastasia Dunes Unit One

RESOLUTION NO. 2002-89

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO ANASTASIA DUNES UNIT ONE

4. Motion to adopt **Resolution No. 2002-90** accepting an easement for utilities for water and sewer service to Makarios Condominiums at Anastasia Dunes Subdivision

RESOLUTION NO. 2002-90

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO MAKARIOS CONDOMINIUMS AT ANASTASIA DUNES SUBDIVISION

5. Motion to adopt **Resolution No. 2002-91** accepting easements for access to and maintenance of a sewer force main located along the southside of State Road No. 312

RESOLUTION NO. 2002-91

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING EASEMENTS FOR ACCESS TO AND MAINTENANCE OF A SEWER FORCE MAIN LOCATED ALONG THE SOUTHSIDE OF STATE ROAD NO. 312

6. Motion to adopt **Resolution No. 2002-92** accepting an easement for utilities to provide water service and fire protection to St. Francis in the field Episcopal Church

RESOLUTION NO. 2002-92

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES TO PROVIDE WATER SERVICE AND FIRE PROTECTION TO ST. FRANCIS IN-THE-FIELD EPISCOPAL CHURCH

7. Motion to adopt **Resolution No. 2002-93** accepting an easement for utilities to provide water service and fire protection to Cobblestone Village Shopping Center

RESOLUTION NO. 2002-93

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES TO PROVIDE WATER SERVICE AND FIRE PROTECTION TO COBBLESTONE VILLAGE SHOPPING CENTER

8. Motion to allow the County Administrator, or his designee, to enter into contract under Bid No. 02-82, Construction of Wildwood Drive Sidewalk with LAS Contracting Corp. in the amount of \$67,940.00 (*See Attachment "A"*)
9. Motion to establish June 11, 2002 at 5:30 p.m. and June 25, 2002 at 1:30 p.m. as public hearing dates to consider amendments to the Land Development Code
10. Proofs:
 - a. Proof, Notice of Proposed Change of County Property, St. Johns County & St. Johns River Community College, May 14, 2002
 - b. Proof, Public Notice Applications for Special Master, St. Johns County Value Adjustment Board
 - c. Proof, Notice of Meeting Change of the St. Johns County Finance Committee, May 15, 2002
 - d. Proof, Notice of Special Meeting, Evaluation Team for the Request for Proposals No. 02-32, June 5 & 6, 2002
 - e. Proof, Notice of Budget Hearings Fiscal Year 2003, May 6, 8, 9, 13, 15, 16, 20, 22, & 23, 2002
 - f. Proof, Certificate of Liability Insurance, Ann's Site Clearing Inc.
 - g. Proof, Certificate of Liability Insurance, Advanced Disposal Services, LLC.
 - h. Proof, Certificate of Liability Insurance, Partridge Well Drilling, Co.
 - i. Proof, Certificate of Liability Insurance, Atlantic Coast Asphalt Company.
 - j. Proof, Certificate of Liability Insurance, Alpha Staff Group, Inc.
 - k. Proof, Certificate of Liability Insurance, Collier Waster Containers, Inc.

(05/21/02 - 4 - 9:48 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant added to the Regular Agenda as item "B" the continuance of item 12 and 13. **Motion by Bryant, seconded by Kohnke, carried 3/2 with Reardon and Meiszer opposing, to add as item "B", items 12 and 13 for discussion for potential continuance.** Adams requested to pull item 9 at the applicant's request, and will reschedule at an appropriate time. Bosanko requested to add to the agenda a contract that needed to be approved before next weekend from the Recreation Department regarding the Florida Department of Environmental Protection as item 13a.

(05/21/02 - 4 - 10:01 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Reardon, seconded by Bryant, carried 4/1 with Meiszer dissenting, to approve the Regular Agenda as amended.

(05/21/02 - 5 - 10:02 a.m.)

A. APPROVAL OF THE CASH REQUIREMENT REPORT (Consent item #1)

Allen MacDonald, Finance Director, spoke on adding the additional payables batch regarding a payment to the Tax Collector for taxes due on the Library for the Fire MSBU and needed it paid now so as not to incur additional interest because this payment is late. **Motion by Reardon, seconded by Kohnke, carried 5/0, for approval of Agenda Item "A", which is the batch payables presentation as presented by Mr. Allen MacDonald.**

(05/21/02 - 5 - 10:03 A.M.)

B. DISCUSSION ON CONTINUING ITEMS 12 AND 13

John Metcalf, 1104 Mill Creek Drive, explained why they asked for the continuance and stated that the date of June 18 would be fine with them. Discussion followed on protecting the County's position with addressing this item, and on continuing this item or not. **Motion by Jacalone, seconded by Meiszer, to continue items 12 and 13, the Transmittals of proposed Comprehensive Plan Amendments to June 18 at 1:30 p.m.** Bosanko suggested asking if there were any additional comments from the public.

(10:14 a.m.) Ellen Whitmer spoke against the continuance, stating that this was just a delay tactic.

(10:16 a.m.) Don Beattie suggested there be no continuance. **The motion carried 4/1 with Kohnke opposed.**

(05/21/02 - 5 - 10:23 a.m.)

1. CONSIDER A RESOLUTION TO PLACE ON THE NOVEMBER 2002 GENERAL ELECTION BALLOT ON WHETHER OR NOT TO EXPAND THE ANASTASIA MOSQUITO CONTROL SERVICE AREA TO INCLUDE THE SOUTHWEST PORTION OF ST. JOHNS COUNTY.

Bosanko explained the corrections to be made to the proposed resolution presented; delete "*eradication or*" from the second whereas and added a proposed ballot question.

(10:28 a.m.) Robert Betts, Director of the Anastasia Mosquito Control District of St. Johns County District, spoke on the reason to expand the district on covering mosquito control and placing it on the General Election Ballot in November 2002. Betts spoke on, utilizing the map by visual display, on the areas that needed to be treated. Jacalone stated that the interlocal agreement that the Board is being asked to consider would actually provide county funds to the district. Betts spoke on what the statutes allowed for treating districts outside the boundaries. Betts stated that the expansion had to be voted on by the voters and they needed an interlocal agreement between now and when the voters have their say. **Motion by Kohnke, to adopt Resolution No. 2002-94 to place on the November 2002 General Election Ballot the Question of whether or not to expand the Anastasia Mosquito Control District Service Area to include the Southwestern Portion of St. Johns County, strike the words "*eradicate or*" and add exhibit on the ballot language.**

(10:39 a.m.) Jerry Durchholz, 10405 Baylor Avenue, President and Supervisor of Flagler Estates asked for the Board's support on mosquito control and on controlling the traffic in Flagler Estates.

(10:41 a.m.) Joyce Dupont, P.O. Box 847, spoke on mosquito control in Flagler Estates and stated that people are very more than willing to pay for a mosquito control tax.

The motion was seconded by Reardon and carried 5/0. Motion by Kohnke, seconded by Reardon, carried 5/0, to approve entering into an Interlocal Agreement with the Anastasia Mosquito Control District of St. Johns County to provide interim Mosquito Control within the County from the summer mosquito season through November 2002 and to authorize up to \$54,000 from the General Fund Reserve for payment of said Mosquito Control on an as requested basis by the County and add to the last sentence in Section 3; , *not to exceed \$54,000.*

RESOLUTION NO. 2002-94

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR AN ELECTION TO CONSIDER EXPANSION OF THE ANASTASIA MOSQUITO CONTROL DISTRICT

The meeting recessed at 10:43 a.m. and reconvened at 10:52 a.m.

(05/21/02 - 6 - 10:52 a.m.)

2. PRESENTATION ON THE TRAVEL DEMAND STUDY CONNECTING CLAY & ST. JOHNS COUNTIES BY THE CORRADINO GROUP.

Suraya Teeple, Department of Transportation, explained this item. Ken Culkenback of the Corradino Group, utilizing visual display, gave a brief summary of the presentation they will be presenting to the public next week on present travel needs connecting Clay and St. Johns County. The presentation will include existing traffic, expected future traffic, future capacity analysis, roadway system efficiency, crash data and history, some important definitions, current 2000 bridge traffic, expected traffic growth between 2000 and 2025, expected 2025 bridge traffic, 2025 daily volumes: no build, 2025 need, display of all test corridors, east-west summary, north south summary, recap 2025 need, conclusions, and what's next. He reviewed the public meeting sites scheduled for May. Discussion followed on the direction of the Study, and how this Study would impact the community. Teeple stated that she would prepare a summary handout on everything they presented and would give it to Kohnke.

(11:20 a.m.) Don Beattie, 808 Mill Pond Court, stated that he could only come to one conclusion, that the concurrency analysis in Northeast Florida had been lousy and there has been poor planning.

(11:22 a.m.) Louise Thrower, 288 Orange Avenue, spoke on 6-laning Shands Bridge, and going back to look at this study again.

(11:24 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S, stated that this would be an issue that would galvanize the people in the Northwest Section. Reardon stated that Thrower made sense about the hurricane evacuation. Teeple spoke on the traffic and corridor study.

Motion by Bryant, seconded by Kohnke, carried 5/0, to readdress the agenda and do items 4, 5, 3, 6, and 7 this morning. *The meeting moved to item 4.*

3. CONSIDER A RESOLUTION ADOPTING TWO INTERLOCAL AGREEMENTS AND A SETTLEMENT AGREEMENT PERTAINING TO LITIGATION BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE BEACH.

This item was moved to the end of the day.

(05/21/02 - 7 - 11:29 a.m.)

4. CONSIDER A REQUEST FOR FUNDING THE COST OF ESTABLISHING A NON-AD VALOREM ASSESSMENT ROLE FOR THE PONTE VEDRA MSD SEWER PROJECT.

John Schwab, Special Projects Manager, gave a general overview of the Ponte Vedra MSD Sewer Project. (11:32 a.m.) Michael Hunt, Assistant County Attorney, entered the meeting and Bosanko left.

(11:31 a.m.) Carl Bloesing, 12 La Vista Drive, as a representative of the Ponte Vedra Community Association, spoke on a referendum being made in their community some time ago and it came back positively that a majority of the residents are in favor of the implementation of a plan to put in a public complete sewer system throughout the MSD. He requested the Commission to act positively today on establishing a non-ad valorem assessment for the MSD area for the installation of this system.

(11:32 a.m.) Gus Crane, 994 Ponte Vedra Blvd., thanked this Commission for taking the time to study alternative sewer systems. He spoke on the gravity system, and underground electric. Schwab spoke on one of the alternative financing mechanisms. Kohnke spoke on underground electric lines. Meiszer stated that the assessment begins when service is provided.

(11:38 a.m.) Frederic Owens, 13 Maria Place, Ponte Vedra Beach, spoke in favor of getting on with the sewer project.

(11:41 a.m.) Cameron Lacy, 550 Le Master Drive, announced that he received the good guy award for this year, last night. He spoke in favor of this project. Jacalone spoke on having a new provider, and stated that he wanted to go forward with this and place it on the assessment roll. Jacalone stated that the County is not the service provider and explained. Schwab mentioned that the project would start after January 1, 2003. He stated that the Roll would come out on 2003 for 2004 tax year. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the transfer of \$65,000 from the General Fund Reserve (0083-59920) to the BCC Contractual Services (0002-53120) and to authorize the County Administrator to contract for services to develop a non-ad valorem assessment roll for the installation of a central sewer/vacuum system in the MSD.** Schwab explained who was constructing the MSD sewer project and distributed information on the loan program.

(05/21/02 - 7 - 11:53 a.m.)

5. DISCUSSION OF THE PREPARATION FOR WEST AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY'S USDA RURAL DEVELOPMENT APPLICATION FOR THE INSTALLATION OF SEWER LINES IN WEST AUGUSTINE.

Tom Crawford, Director Housing and Community Services Division, stated that Staff had been working on the preparation of an application to the U.S.D.A. Rural Development for a combination of grants and low interest loans to install sewer lines throughout West Augustine. Using a map provided by the overhead projector, he explained running lines for the sewer areas.

(12:00 p.m.) Will Weathers, Gardnyr Michael Capital, Inc., spoke on grants and on presenting a proposal and agreement that would work for the County and explained. (12:02 p.m.) Hunt left the meeting and Bosanko entered the meeting. Discussion followed on how Gardnyr Michael Capital, Inc., was selected. Weathers distributed and reviewed a short brochure they provided. *It was the consensus of the Board to*

place this item on the Consent Agenda with Weathers working out the final details of the contract.

Motion by Kohnke, seconded by Reardon, carried 5/0, to move items 3, 7, Commissioners' Reports, County Administrator's Report, County Attorney's Report, and Clerk of Court's Report to the end of day.

(05/21/02 - 8 - 12:09 a.m.)

6. CONSIDER A RESOLUTION CLARIFYING THE PURPOSE AND MISSION OF THE ST. JOHNS COUNTY CHILDREN'S COMMISSION.

Patsy Heiss, Assistant to the Administrator, explained this item. Bryant laid the ground-work about the funding.

Skyler Siefker, 704 Alden Way, stated that they were not requesting any funding and asked if the Board had any questions about the resolution. Kohnke questioned the need for another resolution and Tyler explained. **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-95 clarifying the purpose and mission of the St. Johns County Children's Commission and the change to Section 1 as follows; *The Children's Commission will continue to oversee implementation and revision of the Children's Plan, and file an annual report by March 1, per Board Policy.***

RESOLUTION NO. 2002-95

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CLARIFYING THE PURPOSE AND MISSION OF THE ST. JOHNS COUNTY CHILDREN'S COMMISSION

Skyler mentioned that Section 2 and Section 4 references how they would attend agency meetings and County Boards to gather information to better inform the BCC and also inform them of children's issues and asked if they could draft a letter explaining what they would like to do at these meetings and have Commissioner Bryant sign it. Bryant replied that he would sign it and would run it by the legal office for the legality of it.

The meeting recessed for lunch at 12:15 p.m. and reconvened at 1:30 p.m. with Bryant, Meiszer, Kohnke, Jacalone, Reardon, Adams, Bosanko, and Deputy Clerk Judy Hamilton present.

(05/21/02 - 8 - 1:35 p.m.)

8. PUBLIC HEARING - NZVAR-02-008 PATERSON NON-ZONING VARIANCE. THIS APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 6.02.01.B.3.A (EASEMENTS) AND 5.01.02.A (PLATTING) OF THE LAND DEVELOPMENT CODE. THE APPLICANT'S PROPERTY IS LOT 10 OF THE TRESTLE BAY, UNIT 2 PLAT AND THE ADDRESS IS 1960 ISHERWOOD TERRACE. THE APPLICANT WISHES TO DIVIDE THE 4.75-ACRE LOT INTO TWO 2.375-ACRE PARCELS. THE EXISTING RESIDENCE WOULD BE LOCATED ON THE FRONT PARCEL AND A NEW RESIDENCE WOULD BE CONSTRUCTED ON THE BACK PARCEL. A 30' EASEMENT WITH A STABILIZED 20' SURFACE AND TURNAROUND WILL PROVIDE ACCESS TO THE BACK PARCEL. THE APPLICANT HAS ALSO FILED A FAMILY FARM AND LOT EXEMPTION AFFIDAVIT. SECTION 6.02.01.B.3 DOES NOT ALLOW EASEMENTS FOR ACCESS IN RESIDENTIALLY PLATTED PROPERTY. SECTION 5.01.02.A REQUIRES A PLAT TO INCREASE THE NUMBER OF LOTS IN A PLATTED SUBDIVISION. ALTHOUGH STAFF

CANNOT RECOMMEND APPROVAL OF THESE VARIANCES BASED UPON THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, ALL APPLICABLE DEPARTMENTS HAVE REVIEWED THIS APPLICATION AND STAFF HAS NO OTHER OBJECTIONS.

Proof of publication of notice of public hearing in the matter of NZVAR 02-008 was received, having been published in *The St. Augustine Record* on May 6, 2002.

Darrell Locklear, Development Review Engineer Manager, made presentation of this item to the Board, with visual display. Rosemary Yeoman, Zoning Manager, answered questions regarding zoning. Bosanko spoke on the findings of fact. Bishop answered questions on family farm division. Discussion was held on the requested variance. The applicant, Debra H. Paterson, 4174 Vermont Blvd., Elkton, presented their request. Public comment was then received. (2:21 p.m.) Nancy Bogart and Frank Morrison, 1990 Isherwood Terrace, spoke in opposition. Further discussion ensued. **Motion by Jacalone, seconded by Reardon, carried 4/1 with Meiszer dissenting, to approve NZVAR 2002-008 based upon the evidence provided and Findings of Fact 1 through 5 in the packet.**

(05/21/02 - 9 - 2:37 p.m.)

9. PUBLIC HEARING - NZVAR-02-006 SERENATA BEACH OFFSITE BEACH PARKING (CONTINUED FROM MAY 7, 2002). THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO THE PARKING DESIGN STANDARDS (SECTION 6.05.02.H.6) AND PERIMETER BUFFER REQUIREMENTS (SECTION 6.06.03.C) OF THE LAND DEVELOPMENT CODE. THE PROPOSED PROJECT INVOLVES CONSTRUCTION OF A PARKING LOT FOR SEVEN VEHICLES AT THE NORTH END OF THE SERENATA BEACH DEVELOPMENT AND ON THE EAST SIDE OF STATE ROAD A1A. THE PARKING LOT IS PROPOSED FOR PUBLIC BEACH ACCESS AND WILL BE CONVEYED TO THE COUNTY WHEN COMPLETED. SECTION 6.06.3.C OF THE LAND DEVELOPMENT CODE REQUIRES AN EIGHT-FOOT LANDSCAPE BUFFER ADJACENT TO THE ROAD RIGHT-OF-WAY. THE APPLICANT IS PROPOSING TO REDUCE THIS BUFFER TO ZERO. SECTION 6.05.02.H.6 OF THE LDC STATES THAT FOR ONE-SIDED PARKING, THE AISLE WIDTH MAY BE DECREASED FROM 26' TO 24' IF 4' OF CLEAR, UNOBSTRUCTED AREA IS PROVIDED ADJACENT TO THE ACCESS AISLE. THE APPLICANT PROPOSES TO CONSTRUCT A PORTION OF THE ACCESS AISLE IN THE FDOT RIGHT-OF-WAY, THUS NOT PROVIDING A 4' AREA ADJACENT TO THE ACCESS AISLE. THE APPLICANT IS CURRENTLY SEEKING A PERMIT FROM THE FDOT FOR THE PORTION OF THE PARKING LOT IN THEIR RIGHT-OF-WAY. ALTHOUGH STAFF CANNOT RECOMMEND APPROVAL OF THESE VARIANCES BASED UPON THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, ALL APPLICABLE DEPARTMENTS HAVE REVIEWED THIS APPLICATION AND STAFF HAS NO OTHER OBJECTIONS.

Proof of publication of notice of public hearing in the matter of File #NZVAR 02-006, Serenata Beach Offsite Parking was received, having been published in *The St. Augustine Record* on May 10, 2002.

This item was continued to a later date.

(05/21/02 - 10 - 2:38 p.m.)

10. PUBLIC HEARING - PNVAR 2002-007 FPL MATANZAS SUBSTATION EXPANSION

Proof of publication for notice of hearing in the matter of PNZVAR 02-007 FPL was received, having been published in *The St. Augustine Record* on May 6, 2002.

Jan Brewer, Environmental Manager, presented this item to the Board for their consideration, utilizing visual display. (2:45 p.m.) Thomas Tufts, representing FPL, Orlando, answered questions of the Board. **Motion by Reardon, seconded by Jacalone, carried 4/1 with Meiszer dissenting, to approve Non-Zoning Variance 2002-007, adopting Findings of Fact 1 through 6 that support the motion.**

(05/21/02 - 10 - 2:50 p.m.)

11. PUBLIC HEARING - REZ 2002-05 MAX FINKELSTEIN REZONING. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 0.6 ACRES LOCATED AT 2565 STATE ROAD 16 FROM THE ACME BOOT OUTLET PLANNED SPECIAL DEVELOPMENT ORDINANCE #91-48 (PSD) TO COMMERCIAL GENERAL (CG). A FINAL CERTIFICATE OF CONCURRENCY WAS APPROVED FOR 4,048 SQUARE FEET OF SPECIALTY RETAIL SPACE FOR THE SUBJECT PROPERTY. 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 LAND DEVELOPMENT CODE. STAFF FINDS THE PROPOSED ZONING CHANGE TO COMMERCIAL GENERAL (CG) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THE REZONING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR APRIL 18, 2002 MEETING WITH A 7-0 VOTE.

Proof of publication of proposed rezoning notice in the matter of REZ 2002-05 Max Finkelstein 2565 SR 16 was received, having been published in *The St. Augustine Record* on May 2, 2002.

Nicole Clayton, Planner II, made a presentation, with visual display, to the Board. Charles Usina, 2595 CR 208, answered questions of the Board. **Motion by Kohnke, seconded by Reardon, carried 5/0, to enact Ordinance No. 2002-29, known as Max Finkelstein (REZ 2002-05), adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2002-29

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL, GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The next item discussed was Item #3.

(05/21/02 - 11 - 2:56 p.m.)

3. CONSIDER A RESOLUTION ADOPTING TWO INTERLOCAL AGREEMENTS AND A SETTLEMENT AGREEMENT PERTAINING TO LITIGATION BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE BEACH

Michael Hunt, Assistant County Attorney, entered the meeting, explaining that this resolution would provide for the City alerting the County before annexations happen.

Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-91, adopting an Annexation Cooperation Interlocal Agreement and a site-specific Interlocal Agreement accepting the self-terminating grant of easement; instructing the County Attorney's office to dismiss pending litigation in Case Number CA 01-642 filed in the Circuit Court.

RESOLUTION NO. 2002-96

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING AN ANNEXATION COOPERATION INTERLOCAL AGREEMENT AND A SITE-SPECIFIC INTERLOCAL AGREEMENT ACCEPTING THE SELF-TERMINATING GRANT OF EASEMENT; INSTRUCTING THE COUNTY ATTORNEY'S OFFICE TO DISMISS PENDING LITIGATION IN CASE NUMBER CA 01-642 FILED IN THE CIRCUIT COURT

The next item discussed was Item #13a.

(05/21/02 - 11 - 2:59 p.m.)

13a. CONTRACT BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ST JOHNS COUNTY PARKS AND RECREATION DEPARTMENT, FDEP CONTRACT NO. RP503, REGARDING LIFEGUARD SERVICES AT ANASTASIA STATE PARK

Hunt advised the Board that this was a contract, which was hoped to be executed and enforced by the coming Memorial Day weekend. Brief discussion followed. **Motion by Reardon, seconded by Kohnke, carried 5/0, that DEP Contract No. RP503 be entered into between Florida Department of Environmental Protection and St. Johns County Board of County Commissioners for Lifeguard Services for Anastasia State Park.**

The next item discussed was Item #7.

(05/21/02 - 11 - 3:05 p.m.)

7. CONSIDER APPOINTMENTS TO THE CHILDREN'S COMMISSION

Patsy Heiss, Assistant to the Administrator, presented the applications for the considered appointments, of which there were five. **Motion by Kohnke, seconded by Jacalone, carried 5/0, to appoint Cindy Richetti to the At-Large position on the Children's Commission to complete a term, scheduled to expire April 24, 2005. Motion by Reardon, seconded by Bryant, carried 5/0, to appoint Robert Murray to the District 2 position on the Children's Commission for an initial four-year term, scheduled to expire May 6, 2006. Motion by Bryant, seconded by Reardon, carried 5/0, to appoint Jane M. Tuten to the District 5 position on the Children's Commission for an initial four-year term, scheduled to expire May 6, 2006. Motion by Reardon, seconded by Bryant, carried 5/0, to appoint Schuyler Siefker to the United Way/agency position on the Children's Commission for a full four-year term, scheduled to expire May 6, 2006. Motion by Meiszer, seconded by Reardon, carried 5/0, to appoint Phyllis Ingram to the Chamber of Commerce position on the Children's Commission for a full four-year term, scheduled to expire May 6, 2006.**

The next item was Commissioners' Reports.

(05/21/02 - 12 - 3:12 p.m.)

12. PUBLIC HEARING - TRANSMITTAL OF PROPOSED COMPREHENSIVE PLAN MAP AMENDMENT AND COMPREHENSIVE PLAN TEXT AMENDMENT FOR THE PROPOSED ABERDEEN DRI CPA-02-003. THIS IS A TRANSMITTAL HEARING FOR CPA-2002-003, A PROPOSED COMPREHENSIVE PLAN AMENDMENT FOR THE PROPERTY PROPOSED AS THE ABERDEEN DEVELOPMENT OF REGIONAL IMPACT (DRI), LOCATED IN NORTHWESTERN ST. JOHNS COUNTY. THE PROPOSED AMENDMENT CHANGES APPROXIMATELY 1,315 ACRES OF LAND FROM RURAL/SILVICULTURE (R/S) AND RESIDENTIAL DENSITY B TO RESIDENTIAL DENSITY C. THIS IS THE FIRST OF A SERIES OF PUBLIC HEARINGS THAT WILL BE COMPLETED AS THIS PROPOSED APPLICATION PROCEEDS THROUGH DEVELOPMENT REVIEW. THE APPLICANT IS PROPOSING THIS COMPREHENSIVE PLAN AMENDMENT SUBMITTED CONCURRENTLY WITH THE ABERDEEN DRI. THE PROPOSED DRI CONTAINS 2,018 RESIDENTIAL UNITS. THE PROJECT IS TO BE DEVELOPED IN TWO PHASES, 2003-2007 AND 2008-2010. THE SUBJECT PROPERTY IS LOCATED ADJACENT TO THE JULINGTON CREEK PLANTATION DRIS, AS WELL AS OTHER SCATTERED RESIDENTIAL DEVELOPMENT. THE SUBJECT PROPERTY EXPANDS THE NORTHWEST DEVELOPMENT AREA BOUNDARY, AND WILL LINK WITH THE EXISTING ROAD NETWORK AND SERVICES PROVIDED IN THE AREA. A SITE FOR AN ELEMENTARY SCHOOL IS BEING RESERVED TO ACCOMMODATE THE GROWING SCHOOL-AGED POPULATION. STAFF HAS NO OBJECTIONS TO THE PROPOSED AMENDMENT BEING TRANSMITTED TO DCA, WITH AN UNDERSTANDING THAT ISSUES SUCH AS AFFORDABLE HOUSING, TRANSPORTATION IMPROVEMENTS, COMPLIANCE WITHIN AN APPROVED VERSION OF THE NORTHWEST SECTOR PLAN AND INNOVATIVE DESIGN STANDARDS ARE REVIEWED AND DISCUSSED AS THE DRI CONTINUES THROUGH THE DRI PROCESS.

Proof of publication of notice of public hearing in the matter of File #CPA 02-003, Aberdeen, was received, having been published in *The St. Augustine Record* on May 1, 2002.

This item was continued to June 18, 2002 at 1:30 p.m.

(05/21/02 - 12 - 3:12 p.m.)

13. PUBLIC HEARING - TRANSMITTAL OF PROPOSED COMPREHENSIVE PLAN MAP AMENDMENT AND COMPREHENSIVE PLAN TEXT AMENDMENT FOR DURBIN CROSSING DRI CPA 02-004. THIS IS A TRANSMITTAL HEARING FOR CPA-2002-004, A PROPOSED COMPREHENSIVE PLAN AMENDMENT FOR THE PROPERTY PROPOSED AS THE DURBIN CROSSING DEVELOPMENT OF REGIONAL IMPACT (DRI), LOCATED IN NORTHWESTERN ST. JOHNS COUNTY. THE PROPOSED AMENDMENT CHANGES APPROXIMATELY 2,065 ACRES OF LAND FROM RURAL/SILVICULTURE (R/S), RESIDENTIAL DENSITY B AND RESIDENTIAL DENSITY C TO RESIDENTIAL DENSITY B AND RESIDENTIAL DENSITY C. THIS IS THE FIRST OF SEVERAL PUBLIC HEARINGS THAT WILL BE COMPLETED AS THIS PROPOSED APPLICATION PROCEEDS THROUGH DEVELOPMENT REVIEW. THE APPLICANT IS PROPOSING THIS COMPREHENSIVE PLAN AMENDMENT SUBMITTED CONCURRENTLY WITH THE DURBIN CROSSING DRI. THE DRI CONTAINS

2,498 RESIDENTIAL UNITS. THE PROJECT IS TO BE DEVELOPED IN TWO PHASES, 2003-2007 AND 2008-2010. THE SUBJECT PROPERTY EXPANDS THE EXISTING CR 210 DEVELOPMENT AREA BOUNDARY, AND WILL LINK WITH THE EXISTING ROAD NETWORK AND SERVICES PROVIDED IN THE AREA. A SITE FOR A NEW K-8 SCHOOL IS BEING RESERVED TO ACCOMMODATE THE GROWING SCHOOL-AGED POPULATION. STAFF HAS NO OBJECTIONS TO THE PROPOSED AMENDMENT BEING TRANSMITTED TO DCA, WITH AN UNDERSTANDING THAT ISSUES SUCH AS AFFORDABLE HOUSING, TRANSPORTATION IMPROVEMENTS, COMPLIANCE WITH AN APPROVED VERSION OF THE NORTHWEST SECTOR PLAN AND INNOVATIVE DESIGN STANDARDS ARE REVIEWED AND DISCUSSED AS THE DRI CONTINUES THROUGH THE REVIEW PROCESS.

Proof of publication for notice of public hearing in the matter of File #CPA 02-004, Durbin Crossing was received, having been published in *The St. Augustine Record* on May 1, 2002.

This item was continued to June 18, 2002 at 1:30 p.m.

(05/21/02 - 13 - 3:12 p.m.)
COMMISSIONERS' REPORTS

Commissioner Jacalone:

Jacalone requested a workshop be scheduled as soon as possible on the compatibility index.

Commissioner Meiszer:

(3:13 p.m.) Meiszer restated the need for revision to the sign ordinance regarding County projects. Discussion followed on State right-of-way and pick-up by the State of County signs. Adams reported on an agreement being worked on with the State. Bosanko responded they were working on sign issues and applying for State permits.

Commissioner Reardon:

(3:18 p.m.) Reardon reported on the neighborhood clean-up in West Augustine. He requested swimming safety guidelines be placed on the G-TV. Reardon stated there was a need for O-positive blood in the community.

Commissioner Kohnke:

(3:21 p.m.) Kohnke reported on the Davis Park dedication. She asked Adams to direct Staff that any changes in plans for the Aberdeen and Durbin Crossing DRI's come to the Board with enough time for review by the Board; that they be placed in the Library; and that red-lined copies be provided. Kohnke reported on Final Order 2001-18, being in compliance.

Commissioner Bryant:

(3:23 p.m.) Bryant stated the official opening of the Primary Care Unit was last Saturday. He said beach renourishment is underway. Bryant advised they have a backer for affordable housing in West Augustine.

(05/21/02 - 14 - 3:24 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams recommended the BCC meeting of July 2, 2002, be cancelled; he recommended the Board schedule a meeting for July 30, 2002. The July meeting dates would be: July 9, July 16, July 23, and July 30. It was Board consensus of same. Adams reminded the Board that the August 20 and August 27 meetings were cancelled.

(05/21/02 - 14 - 3:26 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko reminded the Board that the Aberdeen DRI and Durbin Crossing DRI public hearings were rescheduled/continued to June 18, 2002 at 1:30 p.m. in the County Auditorium.

(05/21/02 - 14 - 3:27 p.m.)
CLERK OF COURT'S REPORT

No report was given.

Motion by Bryant, seconded by Reardon, carried 5/0, to adjourn. There being no further business to come before the Board, the meeting adjourned at 3:27 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #319040 through Check #319247, totaling \$931,151.19, dated 05/14/02

CORRESPONDENCE:

1. Proof of publication, Notice of Public Meetings, St. Johns County Civic Association Roundtable, at 9:00 a.m. the second Monday of each month, published May 1, and 7, 2002, in *The St. Augustine Record*

Approved June 11, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Robin S. Platt
Deputy Clerk