

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 9, 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
Mary Kohnke, District 4
Joe Vonasek, Director of Management and Budget
Isabelle Lopez, Assistant County Attorney
Michael Hunt, Assistant County Attorney
Judy Hamilton, Deputy Clerk

Also present: Dennis Hollingsworth, Tax Collector; Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director

(07/09/02 - 1 - 9:11 a.m.)

The meeting was called to order by Chair Bryant.

(07/09/02 - 1 - 9:11 a.m.)

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

(07/09/02 - 1 - 9:12 a.m.)

ROLL CALL

Bryant stated, for the record, that there were four Commissioners present and that Jacalone would be in attendance, after the Cobblestone groundbreaking ceremony.

(07/09/02 - 1 - 9:13 a.m.)

PRESENTATION OF CERTIFICATES BY BEN ADAMS, COUNTY ADMINISTRATOR

Tom Crawford, Housing Director, made presentation and introduction of Judith Foxworth, who was retiring and presented Foxworth with a Certificate of Recognition for her part in SHIP. Carol Alford gave a brief history on behalf of Housing Finance Authority and presented a plaque to Foxworth, who expressed thoughts and appreciation.

(07/09/02 - 1 - 9:20 a.m.)

PUBLIC COMMENT

Ebbie LeMaster, 135 Ponte Vedra Blvd., spoke on environmental problems, protection of sea turtles, nose cones from fireworks on the beach and were a danger to turtles and fish, and he would like St. Johns County to prevent fireworks of any kind on all of the County's beaches.

(9:26 a.m.) Nettie Ruth Brown, 141 Oveido St., stated they were getting ready to celebrate the 4-H Centennial on August 30 and 31, 2002, commented on celebration activities, introduced 4-H'ers, and spoke on the 4-H Hall of Fame.

(07/09/02 - 2 - 9:30 a.m.)

DELETIONS TO CONSENT AGENDA

Lopez requested Item #12 be moved to the Regular Agenda; it was added as Item #13a.

(07/09/02 - 2 - 9:30 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Reardon, seconded by Bryant, carried 4/0 with Jacalone absent, to approve the Consent Agenda, as amended.

1. Approval of the Cash Requirement Report
2. Sheriff's Bonds:
Approve: Sylvia A. Acosta Approve: Linda N. Haney
Approve: Alexis R. Borynszewski Approve; Peter P. Leone, III
Approve: Preston R. Bowes Approve: Fredric Liegois
Approve: Charlene O. Brantley Approve: Patsy T. Tansey
Approve: Thomas E. Delcomyn
3. Motion to adopt **Resolution No. 2002-123**, approving the 1st Amendment to Purchase and Sale Agreement for the acquisition of additional property for a wider upland buffer and for mitigation to offset wetland impacts as a result of the construction of Capital Improvement Transportation Projects (Wards Creek Project Site)

RESOLUTION NO. 2002-123

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING 1ST AMENDMENT TO PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF ADDITIONAL PROPERTY FOR A WIDER UPLAND BUFFER AND FOR MITIGATION TO OFFSET WETLAND IMPACTS AS A RESULT OF THE CONSTRUCTION OF CAPITAL IMPROVEMENT TRANSPORTATION PROJECTS

4. Motion to adopt **Resolution No. 2002-124**, accepting easement for Utilities for water and sewer service to Ponce Harbor Apartments AKA Matanzas Woods

RESOLUTION NO. 2002-124

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO PONCE HARBOR APARTMENTS AKA MATANZAS WOODS

5. Motion to adopt **Resolution No. 2002-125**, granting the easement for the Lift Station to the City of St. Augustine for the West Augustine Community Redevelopment Agency

RESOLUTION NO. 2002-125

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE GRANTING AND EXECUTION OF AN EASEMENT OF CERTAIN COUNTY PROPERTY TO THE CITY OF ST. AUGUSTINE AS PER FLORIDA STATUTE 125.38 FOR A LIFT STATION TO BE LOCATED BETWEEN HURST STREET AND STEWART STREET

6. Motion to adopt **Resolution No. 2002-126**, accepting the Grant of Easement for maintenance of a drainage ditch located on Cervantes Avenue

RESOLUTION NO. 2002-126

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR DRAINAGE PURPOSES ON CERVANTES AVENUE

7. Motion to allow the County Administrator, or his designee, to enter into a contract with Oglesby Construction, Inc. under Bid No. 02-101, Road Striping and Marking Services, not to exceed the budgeted amount of \$120,000 (*See Attachment "A"*)
8. Motion to declare surplus property and allow Staff to sell by auction or sealed bids. Items for which no bid is received and items that serve no useful function or have no commercial value will be donated, sold for scrap or disposed of at the Landfill
9. Motion to declare CV 438 as surplus and to donate the vehicle to the First Coast Institute
10. Motion to approve the transfer of \$5,000 from Judicial Center Building Maintenance (0032-54600) to Ponte Vedra Annex Building Maintenance (0033-54600) to pay for a change order in the Annex's re-roofing project
11. Motion to approve the hearing dates of July 23, 2002 and August 6, 2002 for proposed change to Article IV, Section 4.01.02.E of the Land Development Code
12. Motion to adopt a Resolution approving a Final Plat for Julington Creek Plantation Parcel 59

This resolution was moved to the Regular Agenda as Item No. 13a.

13. Motion to adopt **Resolution No. 2002-127**, approving a Final Plat for Marshall Creek DRI Unit EV-2/SV-1 Unit One

RESOLUTION NO. 2002-127

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT EV-2/SV-1 UNIT ONE

14. Proofs:
 - a. Proof, Notice of Public Hearing, Petition to Vacate Old State Road A1A, June 25, 2002
 - b. Proof, Notice of Public Hearing, Ordinance/Regulation Affecting the Use of Land, June 11 and 25, 2002
 - c. Proof, Notice of Cancelled Meeting, Intergovernmental Committee Meeting, July 3, 2002
 - d. Proof, Request for Qualifications, RFQ 02-100
 - e. Proof, Notice to Bidders, Bid No. 02-103R
 - f. Proof, Certificate of Liability Insurance, Summerville Electric
 - g. Proof, Certificate of Liability Insurance, Stephen Locke DBA Pro Acoustics & Drywall
 - h. Proof, Certificate of Liability Insurance, Core Employer Services
 - i. Proof, Certificate of Liability Insurance, Odyssey Manufacturing Co.

(07/09/02 - 4 - 9:30 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested the addition of Item #8a, Interlocal Agreement creating the First Coast Workforce Development Consortium. Bryant requested the addition of Item #A, School Wellness Program. Meiszer requested the addition of Bridge of Lions tabling as Item #2a.

(07/09/02 - 4 - 9:35 a.m.)

APPROVAL OF REGULAR AGENDA

(9:35 a.m.) Jacalone entered the meeting. **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the Regular Agenda, as amended.**

(07/09/02 - 4 - 9:37 a.m.)

A. SCHOOL READINESS PROGRAM

Bryant introduced Mary Ann Holanchock, who spoke on the School Readiness Coalition, which desired to better serve the children of the County. (9:39 a.m.) Lopez left the meeting; Hunt entered the meeting. Bryant commented on their request for funding next year. Bryant explained that the money they were seeking is for the last quarter of the contract that they have with CCRN. Sallyanne Cook answered questions of the Board. Discussion was held on the need for an application from the Coalition, the bid being from the School Board, Legal reworking the contract, quarterly billing, School Board getting with Office of Management and Budget and Legal Department; and the Coalition being the applicant. **Motion by Kohnke, seconded by Bryant, carried 5/0, to transfer \$22,000 and contract with them for this year and write a new contract with the Coalition.**

(07/09/02 - 4 - 10:10 a.m.)

1. PRESENTATION OF THE RECOMMENDED FINANCIAL PLAN FISCAL YEAR 2003 FOR ST. JOHNS COUNTY

Joe Vonasek, Director of Management and Budget, made presentation to the Board of the recommended budget for 2002-2003 with visual display. Vonasek stated budget workshops needed to be held on the tentative millage rates and suggested dates. Brief discussion was held on budget workshops. **Motion by Reardon, seconded by Kohnke, carried 5/0, to accept the FY 2003 Recommended Budget. Motion by Reardon, seconded by Kohnke, carried 5/0, to set the budget workshop for August 2, 2002.**

(07/09/02 - 5 - 10:27 a.m.)

2. PRESENTATION OF THE RECAPITULATION FOR 2001 BALANCED TAX ROLL AND ERROR AND INSOLVENCIES REPORT

Hunt left the meeting; Lopez entered the meeting. Dennis Hollingsworth, Tax Collector, addressed the Board, presenting the report for 2001. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the Recapitulation for 2001 Balanced Tax Roll and Error and Insolvencies Report.**

(07/09/02 - 5 - 10:30 a.m.)

2a. RESOLUTION SUPPORTING CONSTRUCTION OF NEW BRIDGE OF LIONS

Motion by Meiszer, seconded by Bryant, to remove it from the table for disposition, and also to adopt the Resolution supporting the construction of a new, architecturally similar, two-lane bridge. Kohnke stated she thought this was the kind of thing that should be agendaed ahead of time. Reardon expressed his opinion that it would be fair to the general public to allow it as an agendaed item, so the public could know about it in advance. Meiszer stated he was convinced that nothing new would come to light since it was tabled on May 7, and he thought it deserved consideration and it was a somewhat time sensitive item. Bryant agreed that he did not think there would be any new information coming forward. Reardon reiterated that he thought it was an important enough item to allow the public to know a week or two ahead of schedule that this item would be brought up again. Jacalone said the item was advertised, fully discussed with full public participation; the only thing that did not occur was that this Board did not make a decision on the Resolution.

Bryant restated the motion was to remove it from the table and approve the Resolution. Kohnke stated she thought the motion was to remove it from the table; she thought a second motion was needed to accept the Resolution. Brief discussion ensued. *Meiszer withdrew his motion; Bryant withdrew his second.* Discussion was held on the May 7, 2002 agenda item and the Resolution included in that packet, which was the Resolution moved.

Motion by Meiszer, seconded by Bryant, carried 3/2 with Reardon and Kohnke opposing, to remove from the table. Motion by Meiszer, seconded by Bryant, carried 3/2 with Kohnke and Reardon dissenting, reaffirmed via roll call vote:

Meiszer	yes
Reardon	no
Jacalone	yes
Kohnke	no
Bryant	yes

to approve [Resolution No. 2002-128], supporting the construction of a new, architecturally similar, two-lane Bridge of Lions.

RESOLUTION NO. 2002-128

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING THE CONSTRUCTION OF A NEW, ARCHITECTURALLY SIMILAR TWO-LANE BRIDGE OF LIONS

The meeting recessed at 10:43 a.m. and reconvened at 10:51 a.m.

(07/09/02 - 6 - 10:51 a.m.)

3. CONSIDER A RESOLUTION FOR TURTLE SHORES WEST UNIT 4 FINAL PLAT

Kathy Nielsen, Application Review Coordinator, made a presentation to the Board of the Resolution for their consideration and stated the request was for final plat approval for Turtle Shores West Unit 4 within the Turtle Shores PUD. Nielsen said the unit consisted of 84 single-family lots to be developed on 35 acres. She stated construction had been completed; therefore, bond was not required. Discussion was held on private roads versus County-owned roads; homeowners' recourses; PUD ordinance violations, remedies through Code Enforcement process, requirement of construction bond/maintenance bond, causes of action against developers, County enforcement of PUD provisions, deed restrictions, and various other aspects of the issue.

(11:05 a.m.) George McClure, 170 Malaga Street, representing MHF of Volusia County, Inc., addressed the Board, and stated that inasmuch as Staff had indicated they were entitled to the recording of the plat, he would express their perspective after the residents/homeowners had voiced their concerns. Public comment was then received.

(11:06 a.m.) Bob Bruno, 413 Salt Wind Ct. West, President of Turtle Shores Homeowners Association, expressed concerns about supporting the platting of phase 4, buffering, vegetation or fence, drainage, legal recourse, assurance that infrastructure and roads would be operable and in same condition as they were currently. Further discussion was held by the Board on privately-owned roads, drainage facilities, the buffer area, maintenance of infrastructure during future construction, the County's obligation being over after inspection and meeting requirements, protection for existing residents, and private recourse.

(11:17 a.m.) Kathryn Metzger, 420 Salt Wind Court West, representing the Turtle Shores Homeowners Association, voiced concerns about damaged roads, damaged drainage swales, and construction traffic. Discussion ensued on construction roads, possible remedies, acceptance/rejection of the roads by the homeowners association from developer, quitclaim deeds, construction entrances, limiting what kind of trucks were allowed on private roads, rights of ingress and egress, agreements between the parties, construction bond was to build the infrastructure, the infrastructure having been built, inspected and met all existing regulations, maintenance bond only occurring if the County had to maintain the roads, and the private roads which the PUD explicitly provided that the homeowners association will maintain and own the roads. Lopez reminded the Board that the process that was before them at this point had to be limited to the existing regulations and the existing PUD requirements, and their decision had to be based on that for this plat.

Discussion was held on future PUD's having the requirement that where there are private roads, that they not only have a bond for construction of the private roads, but they have a maintenance bond that the homeowners will hold until construction is finished in those places. Turnovers were also discussed. (11:31 a.m.) **Motion by Jacalone, seconded by Bryant, to adopt Resolution No. 2002-129, approving the Final Plat for Turtle Shores West Unit 4.** (11:32 a.m.) McClure advised the Board on various matters, including specific damage determination. **Motion carried 5/0.**

RESOLUTION NO. 2002-129

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

**APPROVING A SUBDIVISION PLAT FOR TURTLE
SHORES WEST UNIT 4**

(07/09/02 - 7 - 11:43 a.m.)

4. DISCUSSION OF THE CONTINUED USE OF THE MARINE STREET
PROPERTY BY THE COUNCIL ON AGING

Mary Ann Blount, Real Estate Manager, made presentation with visual display. Isabelle Lopez, Assistant County Attorney, left the meeting, and Michael Hunt, Assistant County Attorney, entered the meeting. Discussion was held by the Board with questions answered and information given by Joe Boles and Cathy Brown of Council on Aging of St. Johns County, Inc. (12:06 p.m.) Motion by Reardon, seconded by Kohnke, to recommend that the County invest in the Council on Aging by providing this property to them free of charge, in lieu of having \$400,000 to \$500,000 cash that they have in the budget, knowing that the services that are offered for County residents are well worth the dollar amounts that the County has invested for affordable housing over the years, and having this funding provided to them in the form of a capital asset; move to approve the property located at 179-180 Marine Street as being given to the Council on Aging. Reardon requested legally binding information. Bryant stated this item was advertised for discussion only and did not think a motion was appropriate. Reardon concurred, stating he would like to place it on the agenda again. Further discussion was held on other agencies, revenue sources, County assets, legal opinion from County Attorney on right to give away public property and revert back to County; can convey if it is declared surplus, private sale, making certain findings of fact, reiterate the basis for which the COA got the property, long term lease, selling the property to COA with a reverter clause in the sale. It was determined that the Board would like to see the appraisal and if it was any good, and come back to the Board with an offer to buy at an acceptable price taking into consideration all the money that has been poured into it and what they were still going to have to do with it. **Motion by Kohnke, seconded by Jacalone, carried 5/0, to recess and move the rest of the agenda to begin at 1:30 p.m.** Staff was directed to obtain fair market appraisal on the property and reschedule it on the agenda. The meeting recessed at 12:18 p.m. and reconvened at 1:30 p.m. with Bryant, Meiszer, Reardon, Jacalone, Kohnke, Assistant County Administrator David Halstead, Assistant County Attorney Isabelle Lopez, County Finance Director Allen MacDonald, and Deputy Clerk Yvonne King present.

(07/09/02 - 7 - 1:40 p.m.)

5. PRESENTATION ON ST. JOHNS COUNTY'S AFFORDABLE HOUSING NEEDS
STUDY BY THE STRATEGIC PLANNING GROUP

Tom Crawford, Director of Housing & Community Services, was present. (1:42 p.m.) Bob Gray, Strategic Planning Group, made a presentation of the Moderate Income Housing Affordable Housing Study, as follows: explained the rationale for the study; explained the definition of affordable housing; reviewed the county's housing market; explained the present need (demand); and addressed whether there is a supply problem (cost of building).

(2:04 p.m.) Assistant County Attorney Michael Hunt entered the meeting; Assistant County Attorney Isabelle Lopez left the meeting.

(07/09/02 - 7 - 2:18 p.m.)

6. PRESENTATION OF A SUMMARY REPORT ON THE HOUSING SUMMIT'S
AFFORDABLE HOUSING REPORT

Bill Lazar, Director of St. Johns Housing Partnership, addressed the Housing Summit Affordable Housing Report. (2:20 p.m.) Mike Pulliam, 3000 North Ponce de Leon Blvd., Suite A, St. Augustine, made a presentation on affordable housing.

(07/09/02 - 8 - 2:27 p.m.)

7. PRESENTATION OF ST. JOHNS COUNTY'S SUBSTANDARD HOUSING REPORT BY THE ST. JOHNS HOUSING PARTNERSHIP

Lazar said he would come back at another meeting to discuss this Agenda Item. (2:28 p.m.) Kohnke requested that Staff develop a list of suggestions for the Board to consider regarding this issue within the next couple of weeks.

(07/09/02 - 8 - 2:32 p.m.)

9. PUBLIC HEARING - NZVAR 02-0012 NORTHBRIDGE. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO THE CUL DE SAC (SECTION 6.04.07.E.1) AND DRIVEWAY DESIGN (SECTION 6.04.05.C) REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THIS DEVELOPMENT, CURRENTLY KNOWN AS NORTHBRIDGE, IS LOCATED IN THE JULINGTON CREEK PUD NORTH OF RACETRACK ROAD AND EAST OF FLORA BRANCH ROAD. THE PROJECT CONSISTS OF 246 TOWN HOME UNITS TO BE SUBDIVIDED INTO INDIVIDUAL LOTS. THE APPLICANT PROPOSES TO ACCESS 22 LOTS FROM A ROADWAY 260 FEET IN LENGTH AND 24 LOTS FROM A ROADWAY 274 FEET IN LENGTH WITHOUT ANY TYPE OF TURN AROUND AT THE END OF THESE ROADS. SECTION 6.04.07.E.1 OF THE LAND DEVELOPMENT CODE STATES: "ALL ROADWAYS WITHOUT A PAVED OUTLET SHALL BE TERMINATED WITH A CUL-DE-SAC." DEVELOPMENT REVIEW TECHNICAL, ENGINEERING TRAFFIC AND FIRE SERVICES ALL OBJECT TO THE ELIMINATION OF CUL-DE-SACS ON THESE DEAD END ROADS

Proof of publication of the notice of public hearing on the non-zoning variance, NZVAR 02-0012, Northbridge, was received having been published in The St. Augustine Record on June 21, 2002.

Darrell Locklear, Development Review Engineering Manager, explained the request for a non-zoning variance to Sections 6.04.04.E1 and 6.04.05.C of the Land Development Code. (2:35 p.m.) Assistant County Attorney Isabelle Lopez entered the meeting; Assistant County Attorney Michael Hunt left the meeting. Discussion followed on the requested variance. (2:43 p.m.) George McClure, 170 Malaga Street, Suite A, St. Augustine, representing the applicant, D.R. Horton, made a presentation requesting the Board approve the non-zoning variance. (2:52 p.m.) Cissell Boring, Project Engineer, Hill, Boring, Dunn & Associates, Inc., 7950 Belfort Parkway, Suite 1600, Jacksonville, entertained questions from the Board regarding the design of the roadways in the project. (2:54 p.m.) Jan Doan, Project Manager, 9456 Phillips Highway, Jacksonville, further addressed the variance request. Discussion followed on the housing units and roadway lengths. (3:13 p.m.) John Ruley, Fire Rescue, addressed the standards for roadway lengths. (3:19 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/1 with Meiszer dissenting, to approve NZVAR 2002-0012 based upon the evidence provided for all of the five Findings of Fact listed on page 3 and 4.**

The meeting thereupon recessed at 3:21 p.m. and reconvened at 3:30 p.m.

(07/09/02 - 8 - 3:30 p.m.)

10. PUBLIC HEARING - REZ-2002-10 COUNTY ROAD 16A RESTAURANT. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 3.5 ACRES, LOCATED AT

9865 COUNTY ROAD 16A (SHANDS BRIDGE AREA) FROM OPEN RURAL (OR) TO COMMERCIAL NEIGHBORHOOD (CN). THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE NEIGHBORHOOD COMMERCIAL (NC) DEVELOPMENT PROVISIONS OF THE COMPREHENSIVE PLAN. THE REZONING ENCOURAGES AN EFFICIENT AND COMPACT LAND USE PATTERN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO COMMERCIAL NEIGHBORHOOD (CN) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL AT THEIR JUNE 6, 2002 MEETING WITH A 7-0 VOTE

Proof of publication of the notice of public hearing on the rezoning, REZ 2002-10, CR 16A Restaurant, was received having been published in The St. Augustine Record on June 24, 2002.

Nicole Clayton, Planner II, explained the request to rezone approximately 3.5 acres of property from OR to CN. (3:32 p.m.) Joseph Smith, 5195 Stephen Colee Road, St. Augustine, Applicant, was present. Discussion followed regarding capacity for potable water source. (3:33 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2002-38, known as C.R. 16A (REZ 2002-10); adopting findings of fact 1 - 4 on page two to support the motion.**

ORDINANCE NO. 2002-38

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 OPEN RURAL (OR) TO COMMERCIAL NEIGHBORHOOD (CN); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(07/09/02 - 9 - 3:34 p.m.)

11. PUBLIC HEARING - PNZVAR 2002-009 MCCAULLEY NON-ZONING VARIANCE. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO AVERAGE THE 25' UPLAND BUFFER REQUIRED IN ARTICLE IV, SECTION 4.01.02.E, OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED AT 6310 JACK WRIGHT ISLAND ROAD

Proof of publication of the notice of public hearing on the non-zoning variance, 2002-009, McCaulley, was received having been published in The St. Augustine Record on June 26, 2002.

Jan Brewer, Environmental Manager, explained the request for a non-zoning variance to average the 25' upland buffer required in Article IV of the Land Development Code. (3:39 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve Non-zoning Variance 2002-009, adopting Findings of Fact 1 - 6 to support the motion.**

(07/09/02 - 10 - 3:40 p.m.)

12. PUBLIC HEARING - RECONSIDERATION OF THE TAYLOR WOODROW DEVELOPMENT AGREEMENT AND PLANNED UNIT DEVELOPMENT. THE BOARD DENIED THE TAYLOR WOODROW PUD AND DEVELOPMENT AGREEMENT ON JUNE 11, 2002 AFTER BEING HEARD IN ADVERTISED AND NOTICED PUBLIC HEARINGS. ON JUNE 18, 2002, MR. LEE ATKINSON, ATTORNEY REPRESENTING TAYLOR WOODROW REQUESTED THE BCC RECONSIDER ITS PREVIOUS ACTION. MR. ATKINSON PROVIDED THAT NEW INFORMATION WAS AVAILABLE FOR THEIR CONSIDERATION WITH RESPECT TO THE CR 210 OVERPASS AND IMPROVEMENTS TO CR 210. THE BOARD AGREED TO RE-HEAR THESE ITEMS AT A LATER DATE. BOTH THE PROPOSED DEVELOPMENT AGREEMENT AND PUD WERE RE-ADVERTISED AND RE-NOTICED. THE DEVELOPMENT AGREEMENT REQUIRES TWO ADVERTISED PUBLIC HEARINGS. THIS IS THE FIRST PUBLIC HEARING FOR THE DEVELOPMENT AGREEMENT. THE PROPOSED PUD IS INCLUDED IN THIS PACKAGE AS PART OF THE RECONSIDERATION AND WAS ADVERTISED; HOWEVER IT MAY NOT BE ACTED UPON UNTIL THE DEVELOPMENT AGREEMENT IS ALSO VOTED ON

Proofs of publication of the notices of public hearing on the Taylor Woodrow Development Agreement and PUD were received having been published in The St. Augustine Record on June 24, 2002.

Teresa Bishop, Planning Director, explained that this public hearing is a result of the applicant requesting the Taylor Woodrow Development Agreement and PUD be reconsidered. (3:42 p.m.) Lee Atkinson, Barnes, Barnes & Atkinson, LLP, 2655 McCormick Drive, Clearwater, representing the applicant, provided new information with respect to the CR 210 overpass and improvements to CR 210. (3:56 p.m.) Kohnke declared exparte communication: two emails regarding this issue, and that she spoke with McClure, who said he would be meeting with the homeowner. Bryant disclosed that he met with Mr. McClure and Mr. Bass. Meiszer disclosed that he had conversation with Mr. Bass about the project and the application. Reardon disclosed that he had a conversation with Mr. Bass, and they discussed the project and some of the conditions that had changed, and that he had received three emails concerning this project. Kohnke said Mr. Ansbacher told her that he had met with the developers; and Mr. Wheeler told her that he had also met with the developers. Reardon said he had a conversation with Mr. Ansbacher and Mr. Wheeler regarding the changes since the last meeting. (3:59 p.m.) Keith Bass, 7404 Riverview Drive, Bradenton, President of Taylor Woodrow Acquisitions, addressed the buffer zones, water and sewer services, C.R. 210 turn onto I-95, and the future of Russell Sampson Road.

(4:08 p.m.) Meiszer left the meeting.

(4:12 p.m.) Bass distributed and explained two proposals for the Board to consider. Discussion followed on the two proposals. (4:26 p.m.) Barry Ansbacher, 10545 Russell Sampson Road, objected to the reconsideration of the development agreement and the PUD. (4:34 p.m.) Kevin Shackelford, 4225 Leaping Deer Lane, Jacksonville, commented in favor of the Taylor Woodrow Development. (4:36 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, commented in opposition to the Taylor Woodrow Development. (4:39 p.m.) Darrell Harrington, 2470 CR 210 West, Lot A, expressed concerns with water retention. (4:42 p.m.) Jim Wheeler, 4240 Leaping Deer Lane, commented in favor of the Taylor Woodrow Development.

(4:45 p.m.) Deputy Clerk Judy Hamilton entered the meeting. Deputy Clerk Yvonne King left the meeting.

Discussion continued on the issue. (5:19 p.m.) *Bryant stated it was the consensus of the Board to work from Document "B" as recommended by Staff, and announced that the second public hearing was July 23, 2002 at 1:30 p.m.*

The meeting recessed at 5:20 p.m. and reconvened at 5:26 p.m.

(07/09/02 - 11 - 5:26 p.m.)

13. PUBLIC HEARING - DEVAGREE 2001-02 JOHNS CREEK LLC DEVELOPMENT & IMPACT FEE AGREEMENT FOR JOHNS CREEK PLANNED UNIT DEVELOPMENT. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS. THE SECOND PUBLIC HEARING IS SCHEDULED FOR JULY 23, 2002. THE JOHNS CREEK PUD WAS APPROVED IN 1999 PRIOR TO THE CURRENT REQUIREMENT THAT CONCURRENCY BE ADDRESSED BEFORE REZONING APPROVAL. THE DEVELOPERS (JOHNS CREEK LLC) OF THE JOHNS CREEK 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 34.1 (CR 210) IN ORDER TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS. THE PROPOSED IMPROVEMENT PROVIDES A FOUR LANE DIVIDED ROADWAY FROM THE POWER LINE EASEMENT (END OF FOUR LANE DIVIDED ROADWAY APPROVED THROUGH THE STONEHURST DEVELOPMENT AGREEMENT) WESTWARD TO THE CIMARRONE/SOUTH HAMPTON PROJECT ENTRANCES. THE DEVELOPMENT AGREEMENT INCLUDES A CONTINGENCY THAT THE SECTION OF CR 210 UNDER THE I-95 OVERPASS MUST BE IMPROVED TO FOUR LANES THROUGH ANOTHER DEVELOPMENT AGREEMENT, OR THE JOHNS CREEK LLC DEVELOPER MAY IMPROVE THIS SECTION AT THEIR OPTION. 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 JUNE 12, 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 of the notice of public hearing on the Notice of Intent in the matter of Johns Creek LLC and St. Johns County Proposed Development and Impact Fee Agreement was received, having been published in *The St. Augustine Record* on June 24, 2002 and June 28, 2002.

Teresa Bishop, Planning Director, made presentation to the Board, utilizing visual display and reviewing the development agreement. Discussion was held on various aspects of the proposed agreement. (5:39 p.m.) John Metcalf, representing Johns Creek

LLC, addressed the Board on different issues. There was no public comment. Bryant announced the date of the second public hearing was scheduled for July 23, 2002 at 1:30 p.m.

(07/09/02 - 12 - 5:42 p.m.)

13a. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR JULINGTON CREEK PLANTATION PARCEL 59

Kathy Nielsen, Applications Review Coordinator, answered questions of the Board on the maintenance bond wording. **Motion by Reardon, seconded by Jacalone, carried 4/0 with Meiszer absent, to adopt Resolution No. 2002-130, approving a Final Plat for Julington Creek Plantation Parcel 59, with revised wording added to resolution: "The maintenance bond language will be that required by the ordinance in effect at the time the maintenance bond is provided."** Staff was directed to include this wording in all future resolutions approving final plats.

RESOLUTION NO. 2002-130

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 59

(07/09/02 - 12 - 5:46 p.m.)

8. REVIEW OF ST. JOHNS COUNTY'S REPRESENTATION TO THE NORTHEAST FLORIDA COMMUNITY ACTION AGENCY

Patsy Heiss, Assistant to the Administrator, informed the Board of the qualifications and conditions for this position on the Northeast Florida Community Action Agency. Brief discussion ensued. Heiss stated this item would be advertised and scheduled on a future agenda for the Board's decision.

(07/09/02 - 12 - 5:48 p.m.)

8a. INTERLOCAL AGREEMENT - WORKFORCE CONSORTIUM

Bryant introduced a Resolution for Interlocal Agreement Creating the First Coast Workforce Development Consortium, which would have 33 representatives rather than 65. Brief discussion ensued. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Meiszer absent, to adopt Resolution No. 2002-131.**

RESOLUTION NO. 2002-131

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE COUNTY COMMISSION TO EXECUTE AN INTERLOCAL AGREEMENT CREATING THE FIRST COAST WORKFORCE DEVELOPMENT CONSORTIUM AMONG THE COUNTIES OF BAKER, CLAY, NASSAU, PUTNAM AND ST. JOHNS AND THE CITY OF JACKSONVILLE; PROVIDING AN EFFECTIVE DATE

(07/09/02 - 12 - 5:50 p.m.)

CLERK OF COURT'S REPORT

Allen MacDonald, Finance Director, presented copies of a letter to Jennifer Vest, First Union National Bank, transmitting the completed *Covenant Compliance Certificate* for the Commercial Paper Program. MacDonald then presented St. Johns County Secondary Disclosure Report to the Board.

(07/09/02 - 13 - 5:54 p.m.)

COMMISSIONERS' REPORTS

Commissioner Jacalone:

Jacalone presented a letter he had received from Demetrie Augustinos, President of the Ancient City Astronomy Club, regarding an observation platform for Tillman Ridge Astronomical Viewing Site. Jacalone discussed landowners who were willing to donate some right-of-way in the proposed 312 extension and stated a workshop would be scheduled to discuss what they were proposing and the County's concerns about accepting that right-of-way. Jacalone stated he had been re-elected to the Association of Counties Board of Directors and would be serving another two years. Jacalone commented on a letter from DCA about the World Commerce Center and when that would be presented to the Board. Clem responded there were three objections to the amendment.

Commissioner Reardon:

(6:00 p.m.) Reardon requested an update of the Masters Drive project. Stephenson responded it was in the CIP to resurface Masters Drive from SR 16 to King Street, with drainage improvements. Reardon commented on budgeting for an additional employee for the Recreation Department in the Northwest part of the County. Reardon inquired of Jacalone about the Cobblestone groundbreaking; Jacalone responded it was very nice.

Commissioner Kohnke:

(6:04 p.m.) Kohnke reminded the Board of the Ponte Vedra Community Association's invitation to lunch. She stated the Palm Valley Bridge Dedication was Saturday at 9:00 a.m. with an antique car show after the dedication.

Commissioner Bryant:

Bryant commented about the shortfall in hospital Medicaid payments, State mandates, the budget issues, School Coalition funding, liaison to the HHS Council, School Board should fund this, inkind match and the need for clarification.

(07/09/02 - 13 - 6:12 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Halstead stated the joint BCC/School Board meeting was scheduled for July 25, at 9:00 a.m., with Joint Use, School concurrency, and funding for School Readiness Coalition to be on the agenda.

(07/09/02 - 13 - 6:13 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

Motion by Jacalone, seconded by Kohnke, carried 4/0 with Meiszer absent, to adjourn. There being no further business to come before the Board, the meeting adjourned at 6:15 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #320838 through Check #321145, totaling \$1,352,138.91, dated 06/25/02
2. St. Johns Board of County Commissioners Check Register, Check #321146 through Check #321172, totaling \$44,248.31, dated 06/27/02

Approved August 13, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk

