

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 23, 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
Michael Hunt, Assistant County Attorney
Judy Hamilton, Deputy Clerk

Also present: Penny Halyburton, Supervisor of Elections; Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director

(07/23/02 - 1 - 9:07 a.m.)

The meeting was called to order by Chair Bryant.

(07/23/02 - 1 - 9:07 a.m.)

The Invocation was given by Pastor Regenia Johnson from St. Matthew's Missionary Baptist Church. The Pledge of Allegiance was led by Bryant.

(07/23/02 - 1 - 9:08 a.m.)

ROLL CALL

Bryant indicated all Commissioners were present.

(07/23/02 - 1 - 9:08 a.m.)

PUBLIC COMMENT

(9:09 a.m.) Thomas Manuel, 505 Becker Branch Place, Jacksonville, spoke on the Durbin Creek Boulevard road connection, and asked the Board to consider passing a resolution instructing the County planners to remove from the Northwest Sector Plan, the reference language concerning a connection to Durbin Creek Boulevard.

(9:14 a.m.) Cyndi Stevenson, 148 Cattail Circle, spoke on the proposed connection to Durbin Creek Boulevard, and their concerns about interconnectivity being done in such a way that it would damage an existing neighborhood.

(9:17 a.m.) John Constantino, 123 Glen Cove Pl., Ponte Vedra Beach, advised the Board of a publishing business he and his wife own, and *The St. Johns Post*, a weekly newspaper they publish.

(9:19 a.m.) Louise Thrower, 288 Orange Avenue, stated the Northwest Sector Plan needed to get rid of interconnectivity between existing and new communities, if it

detrimentally impacted them. She spoke on Northwest Coalition, environmental issue and personal property rights.

(9:24 a.m.) Ben Williams, 1096 Oak Vale Rd., expressed his thoughts on granting incentives, and faults and inherent dangers thereof.

(07/23/02 - 2 - 9:31 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested Item #1, Cash Report, be placed on the Regular Agenda as Item #A.

(07/23/02 - 2 - 9:32 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

This item was placed on the Regular Agenda as Item #A.

2. Approval of Minutes
06/18/02 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2002-140**, recognizing unanticipated revenue in the amount of \$150,855 and increasing the expenditure budget of Fire Services (1171-1226-56401) in the same amount, and to transfer \$37,000 from reserves (1171-1230-59920) to Fire Services office equipment (1171-1226-56401), and to approve the emergency purchase of the demo fire engine for \$187,745

RESOLUTION NO. 2002-140

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2002 FIRE SERVICES BUDGET TO RECOGNIZE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING CAPITAL FUNDS FOR A COUNTY FIRE ENGINE

4. Motion to approve the transfer of \$73,000 from Hospitals - Medications (0001-0061-55203) and \$120,000 from Hospitals - Physicians Fees (0001-0061-55701) to Medicaid - Hospitals (0001-0071-55706)
5. Motion to adopt **Resolution No. 2002-141**, approving a Final Plat for Meadows at St. Johns Phase Two

RESOLUTION NO. 2002-141

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MEADOWS AT SAINT JOHNS PHASE TWO

6. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Taylor Engineering for RFP 02-

97, St. Johns County Coastal Area Plan for South Anastasia Island, and if an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations with the No. 1 ranked firm and begin negotiations with the No. 2 ranked firm, and continue until an agreement is reached (*See Attachment "A"*)

7. Motion to adopt **Resolution No. 2002-142**, approving 1st Amendment to Purchase and Sale Agreement to extend the closing date for the acquisition of property needed for the Community Development Block Grant to improve the drainage in West Augustine

RESOLUTION NO. 2002-142

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ADOPTING THE TERMS OF A 1ST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT TO EXTEND THE CLOSING DATE FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT TO IMPROVE DRAINAGE IN WEST AUGUSTINE

8. Motion to adopt **Resolution No. 2002-143**, accepting an Easement for Utilities for a water main, and approving execution of a Termination and Vacation of an Easement and a Temporary Construction Easement for access

RESOLUTION NO. 2002-143

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR A WATER MAIN, APPROVING EXECUTION OF A TERMINATION AND VACATION OF AN EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FOR ACCESS

9. Motion to allow the Chairman to execute a contract with the St. Augustine St. Johns County Chamber of Commerce for the purpose of promoting economic development through the Cornerstone organization
10. Motion to adopt **Resolution No. 2002-144**, to set a Public Hearing for 1:30 p.m. on August 13, 2002 to consider a petition to vacate a portion of Ocean Shore Blvd./Old A1A Road

RESOLUTION NO. 2002-144

RESOLUTION TO SET A PUBLIC HEARING FOR VACATING A PORTION OF OCEAN SHORE BLVD./OLD A1A ROAD

11. Proofs:
 - a. Proof, Notice of Meeting, St. Johns County Economic Development Committee, June 11, 2002
 - b. Proof, Notice of Meeting, St. Johns County Economic Development Committee, June 13, 2002
 - c. Proof, Notice to Bidders, Bid No. 02-105

- d. Proof, Notice to Bidders, Bid No. 02-112, June 24, 2002
- e. Proof, Request for Proposals, RFP 02-109
- f. Proof, Public Notice, Forfeiture Unclaimed Monies
- g. Proof, Request for Proposals, RFQ 02-111
- h. Proof, Certificate of Liability Insurance, Fire Fighters Equipment Co.

(07/23/02 - 4 - 9:32 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested the addition of Item #6.a, Discussion about the PZA. Bryant requested the addition of Item #6.b, Appointment to the Health Planning Council of Northeast Florida. Reardon requested the addition of Item #6.c, Durbin Creek Boulevard Road Connection.

(07/23/02 - 4 - 9:33 a.m.)

APPROVAL OF REGULAR AGENDA

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

(07/23/02 - 4 - 9:34 a.m.)

A. APPROVAL OF THE CASH REQUIREMENT REPORT (*Consent Agenda Item #1*)

Joe Vonasek, Director of Office of Management and Budget, advised the Board of a request by the State Attorney's office to pay per diem travel expenses to witnesses, in the amount of \$252.00 (Dept. 1132, Line 54000, Travel and Per Diem). **Motion by Jacalone, seconded by Reardon, carried 5/0, to add the necessary language for the Cash Requirement Report.** (9:35 a.m.) John Schwab, Special Projects Manager, stated that at the previous Commission meeting, the Board had approved the contractual settlement between Handex and St. Johns County. The contract was immediately forwarded to Handex for their approval and signature. Staff had explained to Handex when the check would be prepared and cut. Handex had accepted that and had no issue with it. Handex called Staff Monday morning, asking that the County respond to administer the check as quickly as possible; thus, the reason Staff brought the request to the Board this date. Schwab advised the Board that legal counsel had reviewed and approved the settlement agreement. **Motion by Jacalone, seconded by Reardon, carried 5/0, that the cash report be approved as amended.**

(07/23/02 - 4 - 9:37 a.m.)

1. CONSIDER THE APPROVAL OF A REVISED ST. JOHNS COUNTY PRECINCT MAP

Penny Halyburton, Supervisor of Elections, addressed the Board, utilizing visual display, and advising the Board that this was the last step in the redistricting process. She stated the Commission districts, as well as the School Board, had changed. Congressional Senate and House Districts were changed and finally precleared by the Department of Justice. The Supervisor of Elections office had realigned precinct boundaries in the County to coincide as much as possible with all the other districts. Halyburton gave the Board a revised map dated July 22. She advised that, in addition to changing precincts, they had renumbered the entire County, and gave every registered voter a new precinct. Halyburton requested the Board's consideration for approval.

Discussion was held on new polling locations; use of churches as polling locations; the SOE's responsiveness; postings in libraries and throughout the County; district

boundaries; voter education; mailouts of new voter registration cards to every registered voter; sample ballots; advertising; posting of precinct maps; redistricting occurring every 10 years, and challenges to district boundaries. (9:49 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the new precinct map for St. Johns County.**

(07/23/02 - 5 - 9:50 a.m.)

2. CONSIDER SETTING THE PROPOSED MILLAGE RATES AND ANNOUNCING THE DATE OF THE FIRST PUBLIC HEARING FOR THE ADOPTION OF FISCAL YEAR 2003 ANNUAL BUDGET

Joe Vonasek, Director of Office of Management and Budget, addressed the Board, stating as part of the annual budget process, the Board was obligated by Florida Statute, to approve millage rates that would be included on the annual TRIM notice, that would be sent to all property owners and to establish a date, time, and location for the first budget hearing. Vonasek presented a list of millages that go along with the recommended budget, as follows:

Proposed Millage FY 2003

	<u>Adopted FY 2002</u>	<u>Proposed FY 2003</u>
General Fund – Countywide	5.0120	5.0400
Transportation Trust Fund – Countywide	0.9000	0.9000
Health Unit Trust Fund – Countywide	0.1530	0.0930
Jail Debt Service Fund – Countywide	0.1600	0.1240
Fire District	0.6750	0.6750
Vilano Street Lighting District	0.1400	0.1270
St. Augustine South Street Lighting District	0.2710	0.2570
Aggregate Millage Rate		6.6630
Rolled-Back Rate		6.2313

Staff requested that the Board approve those millage amounts for each of the taxing units and establish September 17, 2002 at 5:30 p.m. in the County Auditorium as the date, time and location of the first meeting. Discussion was held on timing of budget workshops, Medicaid, expenditures, levels of service, setting the millage rate, requirements, a budget workshop scheduled for August 2, 2002 at 9:00 a.m., new growth money and various other aspects of the budgeting process. (9:53 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to authorize the completion and execution of the FY 2003 Form DR-420's by the County Administrator and the establishment of September 17, 2002 at 5:30 p.m. in the County Auditorium, as the first public hearing for the adoption of the Fiscal Year 2003 Annual Budget.**

(07/23/02 - 5 – 10:05 a.m.)

3. CONSIDER CHANGES TO ST. JOHNS COUNTY'S OFFICE OF THE COUNTY ATTORNEY

Bryant stated this was the third consideration of the hiring/rehiring of the County Attorney, impending retirement of Mr. Sisco, and/or the appointment of a new County Attorney.

Motion by Kohnke, seconded by Reardon, to authorize and direct the Chairman to sign the Modification to Attorney Contract with Mr. Sisco. Discussion followed.

Kohnke stated she thought this was a good financial decision on the Board's part. Bryant said he thought they might be setting a precedent that they should not get into. Jacalone said he felt the County Attorney's Office should be run by the County Attorney. Kohnke reviewed the proposed options. Reardon voiced his opinion in support of the proposed contract. Jacalone stated it should be the Attorney's decision on who he employs and who he has working in the County Attorney's Office. Kohnke reiterated that the modified contract made the best sense for everybody concerned. Public comment was then received.

(10:16 a.m.) Louise Thrower, 288 Orange Avenue, voiced her concerns, on setting a legal precedent, and on the role of the County Attorney. Bryant advised that they had obtained an outside legal opinion from their labor attorney, John Dickinson, as to the legality of the contract.

Bryant clarified the motion: to authorize and direct the Chairman to sign the modification to attorney contract for Mr. Sisco, the part-time contract; to approve the part-time contract.

Motion failed 2/3, with Bryant, Meiszer and Jacalone dissenting, via roll call vote:

Bryant:	no
Meiszer:	no
Reardon:	yes
Jacalone:	no
Kohnke:	yes

Motion by Jacalone, seconded by Bryant, to provide Mr. Sisco with written notice that his employment contract with the County will not be renewed at the end of the current term. Brief discussion was held on the current contract termination date (January 19, 2003) and 90 days prior written notice of termination being required.

Motion carried 3/2, with Meiszer and Reardon dissenting, via roll call vote:

Meiszer:	no
Reardon:	no
Jacalone:	yes
Kohnke:	yes
Bryant:	yes

Further discussion ensued.

(10:22 a.m.) **Motion by Reardon, seconded by Jacalone, to authorize and direct the Chairman to sign the employment contract with Mr. Bosanko.**

Again, discussion was held on the contract.

Motion carried 4/1, with Meiszer dissenting, via roll call vote:

Reardon:	yes
Jacalone:	yes
Kohnke:	yes
Bryant:	yes
Meiszer:	no

Discussion was held on and clarification made on the Assistant County Attorney employment position.

Motion by Reardon, seconded by Kohnke, to establish a full-time Assistant County Attorney employment position in the County Legal Department.

Motion carried 5/0 via roll call vote:

Jacalone: yes
Kohnke: yes
Bryant: yes
Meiszer: yes
Reardon: yes

Motion by Jacalone, seconded by Reardon, to establish a part-time contractual Assistant County Attorney employment position in the County Legal Department, effective August 19, 2002; the intent of said motion was to validate the earlier motion that the Board made that established a part-time relationship with Mr. Bosanko. Discussion was held on the motion and legal advice given by Assistant County Attorney Michael Hunt.

After further discussion, the motion was withdrawn by Jacalone; the second was withdrawn by Reardon. Discussion was held on allocating money to the County Attorney to furnish a part-time assistant and the County Attorney's Office could contract outside legal help.

The meeting recessed at 10:38 a.m. and reconvened at 10:50 a.m. with Clerk of Courts Cheryl Strickland absent.

(07/23/02 - 7 - 10:50 a.m.)

4. CONSIDER A RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE SEASIDE/CROSSROADS HOMEOWNERS ASSOCIATION WHEREBY ST. JOHNS COUNTY WILL OWN AND MAINTAIN THE STREETS, THOROUGHFARES AND RIGHTS-OF-WAY PROVIDED THE HOMEOWNERS ASSOCIATION MAKES CERTAIN PROVISIONS FOR THE REPAIR AND MAINTENANCE OF EXISTING ROADWAY, DRAINAGE, SIGNAGE AND PEDESTRIAN FACILITIES LOCATED WITHIN SAID RIGHTS-OF-WAY

Joe Stephenson, Public Works Director, reported on the Board's previous instruction to Staff to proceed with transferring the roads of the old Palm Valley subdivision and the Seaside/Crossroads subdivision from private ownership and operation to County ownership and operation. Visual display was utilized. Kohnke congratulated Staff on the fine work they had done on this project and the positive feedback received from residents. Reardon stated as long as these roads were built to County standards, with the proper review process, he supported it. Public comment was then received.

(10:56 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, Seaside subdivision, President of the Association, thanked the Board on behalf of the Association, for considering this and expressed appreciation to Staff.

(10:58 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt Resolution No. 2002-145, authorizing execution of the agreement between St. Johns County and the Seaside/Crossroads Homeowners Association, which accepts the streets, thoroughfares, and rights-of-way of Seaside/Crossroads Subdivision.**

RESOLUTION NO. 2002-145

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN SEASIDE/CROSSROADS SUBDIVISION HOMEOWNERS ASSOCIATION AND ST. JOHNS COUNTY WHEREBY ST. JOHNS COUNTY WILL OWN AND MAINTAIN THE STREETS, THOROUGHFARES AND RIGHTS-OF-WAY WITHIN THE SEASIDE/CROSSROADS SUBDIVISION PROVIDED THE HOMEOWNERS ASSOCIATION AGREES TO MAKE CERTAIN FINANCIAL PROVISIONS FOR THE REPAIR AND MAINTENANCE OF ROADWAY STRUCTURES, DRAINAGE FACILITIES AND OTHER LAND IMPROVEMENTS LOCATED WITHIN THE RIGHTS-OF-WAY

(10:58 a.m.) Michael Hunt, Assistant County Attorney, left the meeting and Dan Bosanko, Deputy County Attorney, entered the meeting.

(07/23/02 - 8 - 10:59 a.m.)

5. PRESENTATION ON THE ENFORCEMENT OF ST. JOHNS COUNTY'S LAND DEVELOPMENT CODE RIGHT OF WAY SIGNS

Mike Griffin, Development Services Director, addressed the Board, stating the presentation would cover how enforcement of right-of-way signs was regulated by the County, how the State of Florida enforced right-of-way signage, and a badge sign program. Jim Acosta, Code Enforcement Supervisor, utilized visual display and explained what their office did in regard to sign violations in the County rights-of-way.

Discussion was held regarding real estate open house signs, for sale signs, picking up illegal signs when they were first spotted or waiting until a complaint was received, current procedures for removing illegally-placed signs, disposition of the signs picked up, receiving complaints that Code Enforcement was picking up too many signs, election campaign political signs, sweeping once a week for illegally placed signs, treating campaign signs as any other signage, placing signs on private property and not in right-of-way, equitable treatment for all illegal signs, FDOT picking up signs from right-of-way, municipalities picking up signs, and traditional corners having accumulations of signs. Bosanko then reported on work Staff had done in obtaining information about laws and procedures applicable to sign regulation, snipe signs, directional signs and badge signs. (11:29 a.m.) Greg Kennedy, Traffic Operations Manager, reviewed what guidance signs are permitted under laws that govern traffic control devices. Discussion ensued on tourist-oriented directional signs, improper signage, bad sign program and the Board not wanting to pursue the badge program.

It was generally noted that Staff continue the proactive approach with equal treatment.

(11:39 a.m.) Wilton Rooks, 151 Santa Monica Ave., spoke in support of the code enforcement efforts .

(07/23/02 - 8 - 11:41 a.m.)

6. CONSIDERATION FOR COMMUNITY REDEVELOPMENT AREA (CRA) DESIGNATIONS FOR VILANO BEACH AND FLAGLER ESTATES

Scott Clem, Growth Management Services Director, addressed the Board, advising them of the establishment of the community redevelopment areas for Vilano Beach and Flagler Estates. (11:45 a.m.) Don DeLaney, President of Strategic Development Initiatives, made a visual presentation on the findings of necessity for Vilano Beach and its financial projections and on the Flagler Estates findings of necessity and financial projections. Discussion was held on various aspects of the CRA's.

(12:20 p.m.) Kohnke left the meeting.

(12:30 p.m.) Public comments were then received on Flagler Estates. (12:30 p.m.) Fred Jones, 9615 Baylor Ave., Hastings, Senior Warden of the Church in the Pines and Vice President of the Flagler Estates Civic Association, spoke in favor of this. (12:31 p.m.) Joyce DuPont, P.O. Box 847, Hastings, spoke in support of the CRA. (12:33 p.m.) Walter Smith, 10010 West Deep Creek Blvd., Hastings, one of three elected supervisors in Flagler Estates, spoke in support of the CRA. (12:35 p.m.) Jerry Durchholz, 10405 Baylor Ave., Hastings, President of the Supervisors, spoke in support of the CRA. (12:36 p.m.) Mike Kelter, 24 Cathedral Place, Suite 208, St. Augustine, CGS Engineering, Chief Engineer for Flagler Estates, distributed handouts, and spoke in support of TIF (Tax-Increment Financing Formula).

(12:38 p.m.) Jacalone left the meeting.

Public comments on Vilano Beach CRA were then received. (12:39 p.m.) Vivian Browning, 40 Beachcomber Way, St. Augustine, Waterfronts Chair, commented in favor. (12:41 p.m.) Scott Singleton, 11 Oak Avenue, St. Augustine, spoke in support of the CRA. (12:43 p.m.) Susan Timmons, 109 Ferrol Road, spoke in support of the CRA. (12:44 p.m.) Steve Harrison, 176 Turtle Cove Court, Ponte Vedra Beach, spoke in support of the CRA. (12:45 p.m.) Tom Blanchard, 310 Genoa Rd., commented in support of the CRA. (12:46 p.m.) John Baird, 95 Vilano Road, Vilano Beach, spoke in support of CRA. (12:46 p.m.) Victoria Smith, 211 Porpoise Point Drive, spoke in support of the CRA. (12:47 p.m.) Arthur J. McGinnis, 212 Porpoise Pt. Dr., spoke in support of the CRA. (12:48 p.m.) Derick Woolverton, P.O. Box 3931, Ponte Vedra Beach, spoke in support of the CRA. (12:49 p.m.) Arden Brey, 508 Porpoise Pt. Drive, spoke in support of the CRA, and presented a list of what different CRA's are doing. (12:51 p.m.) Sacha Martin, 133 Coastal Hollow Circle, spoke in support of the CRA.

(12:55 p.m.) *It was the consensus of the Board to move forward with the advertising of the August 13, 2002 meeting for adoption of the findings of necessities.*

The meeting recessed at 12:56 p.m. and reconvened at 1:30 p.m. with Bryant, Meiszer, Reardon, Jacalone, Kohnke, Adams, Hunt, and Deputy Clerk Yvonne King present.

(07/23/02 - 9 - 1:39 p.m.)

7. PUBLIC HEARING - NOTICE OF PROPOSED CHANGE (NOPC) FOR JULINGTON CREEK PLANTATION DRI 2002-03. THIS NOTICE OF PROPOSED CHANGE (NOPC) TO THE JULINGTON CREEK PLANTATION DRI RESTATED DEVELOPMENT ORDER SEEKS TO SUBSTITUTE D.R. HORTON, INC. - JACKSONVILLE AS THE MASTER DEVELOPER OF THE JULINGTON CREEK PLANTATION DRI. D.R. HORTON, INC. - JACKSONVILLE HAS ACQUIRED AND IS ACQUIRING THE UNDEVELOPED SINGLE-FAMILY RESIDENTIAL PORTIONS OF THE DRI FROM JULINGTON PARTNERS LIMITED PARTNERSHIP. THERE ARE NO CHANGES IN LAND USES OR ANY PHASING IN THE JULINGTON CREEK PLANTATION DRI. THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL AND THE DEPARTMENT OF COMMUNITY AFFAIRS REVIEWED THE NOPC AND FOUND THAT THE

CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE DRI. STAFF HAS NO OBJECTIONS TO THIS NOPC AND FINDS IT CONSISTENT WITH THE COMPREHENSIVE PLAN AND APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, AND FINDS ALL DEVELOPER COMMITMENTS HAVE BEEN MET. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS NOPC, AND A RECOMMENDATION FOR APPROVAL WAS MADE BY THE PLANNING AND ZONING AGENCY ON JUNE 6, 2002 BY A VOTE OF 7-0

Proof of publication of the notice of public hearing on the Notice of Proposed Change (NOPC) for Julington Creek Plantation DRI 2002-03 was received having been published in The St. Augustine Record on July 8, 2002.

Joseph Bornstein, Planner III, explained the request for a Notice of Proposed Change to the Julington Creek Plantation DRI/PUD. (1:42 p.m.) Adam Ashbaugh, England, Thims, & Miller, Inc., 14775 St. Augustine Road, Jacksonville, entertained questions from the Board. (1:43 p.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Resolution No. 2002-146, approving a Notice of Proposed Change to the Julington Creek Plantation DRI Restated Development Order, and adopting Findings of Fact 1 - 2 on page 2 to support the motion.**

RESOLUTION NO. 2002-146

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE JULINGTON CREEK PLANTATION DRI DEVELOPMENT ORDER AS AMENDED; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(07/23/02 - 10 - 1:43 p.m.)

8. PUBLIC HEARING - PV-APPEAL-2001-02, THE COLONY AT PONTE VEDRA. THIS IS A REQUEST TO APPEAL A DECISION OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD. THE APPLICANT APPEARED BEFORE THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD ON AUGUST 13, 2001 PROPOSING ELIMINATION OF THE 10 FOOT LANDSCAPE BUFFER ON THE SOUTH AND EAST PROPERTY BOUNDARIES OF "LOT 13" WITHIN THE COLONY AT PONTE VEDRA DEVELOPMENT WHICH IS LOCATED AT 40 CORONA ROAD. THE APPLICANT IS PROPOSING A 6,000 SQUARE FOOT GENERAL OFFICE BUILDING. THIS PROJECT HAS RECEIVED APPROVAL OF A VESTING, FILE NUMBER PV-VES. 99-007 APPROVED ON OCTOBER 18, 1999 FOR 13 MULTI-FAMILY BUILDINGS THAT IF DEVELOPED IN ACCORDANCE WITH THE PREVIOUSLY APPROVED *LOCAL FINAL DEVELOPMENT ORDER* IS EXEMPT FROM SECTION VIII.Q (THE PONTE VEDRA OVERLAY DISTRICT) OF THE PONTE VEDRA ZONING DISTRICT REGULATIONS. THE APPLICANT HAS REQUESTED TO CONSTRUCT THE OFFICE BUILDING INSTEAD OF AN 8-UNIT CONDOMINIUM BUILDING. CONCURRENCY STAFF ACKNOWLEDGED THAT A MODIFICATION TO THE APPROVED CONCURRENCY IS ALLOWED WITHOUT A NEW CONCURRENCY REVIEW WHEN THE MODIFICATION GENERATES LESS THAN 4 AVERAGE WEEKDAY PEAK HOUR TRIPS. THE MODIFICATION PROPOSED IS ESTIMATED TO GENERATE 2.3 ADDITIONAL PEAK HOUR TRIPS AND THEREFORE DOES NOT REQUIRE A NEW CONCURRENCY REVIEW. THE APPLICANT DID RECEIVE A DENIAL BY THE PONTE VEDRA ZONING AND

ADJUSTMENT BOARD AT THE AUGUST 13, 2001 HEARING AND FILED THE APPEAL TO THE DECISION WITH THE PLANNING DIVISION ON SEPTEMBER 13, 2001

Proof of publication of the notice of public hearing on PV-Appeal-2001-02, The Colony at Ponte Vedra, was received having been published in The St. Augustine Record on July 8, 2002.

A court reporter was present.

Teresa Bishop, Planning Director, explained the request to appeal the decision of the Ponte Vedra Zoning and Adjustment Board. (1:46 p.m.) John Duss, 231 San Juan Drive, Ponte Vedra Beach, Attorney representing The Colony at Ponte Vedra, gave an overview of the requested variance. Discussion followed regarding the variance request. (2:08 p.m.) Kohnke disclosed ex-parte communication: said she talked with Mr. Lacy, and others regarding this variance request. (2:13 p.m.) Kristen Herr-Garrett, 41 Ponte Vedra Colony Circle, Ponte Vedra Beach, commented in opposition to the variance. (2:15 p.m.) Constance Frankenberg, 71 Ponte Vedra Colony Circle, Ponte Vedra Beach, read the comments of Pamela Barbone, 33 Corona Road, who was in opposition to the variance; read an email from Fred Owen, 13 Maria Place, who was in opposition to the variance; and read the comments of Jane Ingram who was in opposition to the variance. Frankenberg displayed photos of the property; then, commented in opposition to the variance. (2:23 p.m.) D. Cameron Lacy, 550 LeMaster Drive, Ponte Vedra Beach, commented in opposition to the variance. (2:31 p.m.) Duss gave rebuttal to comments made by the public. (2:34 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to deny PV-Appeal-2001-02, known as the Colony at Ponte Vedra appeal, adopting Finding of Fact #1 to support the motion.**

(07/23/02 - 11 - 2:34 p.m.)

9. 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 SECOND PUBLIC HEARING FOR THE DEVELOPMENT AGREEMENT AND THE FINAL HEARING ON RECONSIDERATION OF THE PUD. THE PROPOSED PUD COMPLIES WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE AND WITH THE EXCEPTION OF RUSSELL SAMPSON ROAD ISSUES; THE APPLICANT HAS ADDRESSED STAFF'S PREVIOUS CONCERNS. STAFF HAS NO OBJECTION TO APPROVAL. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THE PUD AT THEIR MAY 2, 2002 MEETING WITH A 5-1 VOTE

Proof of publication of the notice of public hearing to reconsider the Taylor Woodrow Development Agreement and PUD was received having been published in The St. Augustine Record on July 8, 2002.

Court Reporter Cathy Ardito was present.

Teresa Bishop, Planning Director, informed the Board that the PUD was still the same. She distributed some minor changes that were submitted by the applicant. Bishop suggested a change in the development agreement, as follows: on page 11, the underlined language, "effectively meet the County's obligation" be deleted, and leave in "are required" that was previously stricken. (2:47 p.m.) Lee Atkinson explained the proposed changes to the Development Agreement. During the explanation, Atkinson also entertained questions from the Board. (2:57 p.m.) Meiszer disclosed that he met with Mr. McClure and had a telephone conversation with Mr. Ansbacher concerning the pros and cons of the project. (3:10 p.m.) Atkinson explained the proposed changes to the Master Development Plan. During the explanation, Atkinson also entertained questions from the Board. (3:17 p.m.) Kohnke suggested inserting "pre-" after "initiate" on line 8 of page 11 of the Development Agreement. (3:18 p.m.) Lee Atkinson, Barnes, Barnes, & Atkinson, LLP, 2655 McCormack Drive, Clearwater, made a presentation. (3:22 p.m.) Barry Ansbacher, 10545 Russell Sampson Road, representing Russell Sampson Association, commented in opposition to the project.

(3:40 p.m.) Robert Wheeler, 10805 Russell Sampson Road, Jacksonville, recommended the road be completed prior to any houses being built. (3:43 p.m.) Mildred Wheeler, 10805 Russell Sampson Road, Jacksonville, commented in opposition to the project. (3:44 p.m.) Donald Beattie, 808 Mill Pond Court, asked questions regarding the Sector Plan applying to this development. (3:47 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, commented in opposition to the project. (3:50 p.m.) Bill Thomason, 10785 Russell Sampson Road, commented in opposition to the project. (3:52 p.m.) Karl Sanders, 200 N. Laura Street, 12th Floor, Jacksonville, addressed the legality of the public hearing. (3:58 p.m.) Louise Thrower, 288 Orange Avenue, commented in opposition to the project. Discussion followed regarding changes recommended by the Russell Sampson Association representative. (4:07 p.m.) Atkinson gave closing comments. Discussion followed regarding whether this project is subject to the Northwest Sector Plan.

The meeting recessed at 4:19 p.m. and reconvened at 4:29 p.m.

(4:34 p.m.) Bosanko read some suggested changes: on page 10 of the Development Agreement, change the last sentence to read, "It is the express intent of the County that the funds contributed through this agreement be used only for progress toward the timely completion of appropriate improvements of Russell Sampson Road from the Taylor Woodrow entrance to C.R. 210. Jacalone accepted this language as part of the motion. (4:33 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 4/1 with Meiszer dissenting, to approve TW Acquisitions, Inc. Development and Impact Fee Agreement and authorize the County Administrator to execute the same with the changes that are contained in the fax handout that were described by Ms. Bishop and Mr. Bosanko and altering those changes to return to the stricken out portion that says "are required" and now strike out the underlined section, which reads "effectively meet the County's obligation" and to further amend that to say, "in the event that a third party commits to the same construction obligations and schedule that are required for construction on Russell Sampson Road from the Taylor Woodrow Development point of connection to CR 210 pursuant to Part 6.04.00 of the Land Development Code prior to the expiration of the County's obligation to initiate construction on Russell Sampson Road; and the County shall have no further obligation to make the improvements contemplated by this agreement and that any of the funds referred to herein shall be paid pursuant to paragraph 4 herein shall be retained by the County;"** and on page 10 of the Development Agreement, change the last sentence to read, "It is the express intent of the County that the funds contributed through this agreement be used only for progress toward the timely completion of

appropriate improvements of Russell Sampson Road from the Taylor Woodrow entrance to C.R. 210.”

(4:42 p.m.) Motion by Jacalone, seconded by Reardon, carried 4/1 with Meiszer dissenting, to enact Ordinance No. 2002-41, known as PUD 2001-06, Taylor Woodrow/St. Johns Forest, adopting Findings of Fact to support the motion.

ORDINANCE NO. 2002-41

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

(07/23/02 - 13 - 4:42 p.m.)

10. PUBLIC HEARING - DEVAGREE 2001-02 JOHNS CREEK LLC DEVELOPMENT & IMPACT FEE AGREEMENT FOR JOHNS CREEK PLANNED UNIT DEVELOPMENT. THIS IS THE SECOND REQUIRED PUBLIC HEARING FOR THE JOHNS CREEK LLC DEVELOPMENT AND IMPACT FEE AGREEMENT. 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 Johns Creek Development and Impact Fee agreement, DEVAGREE 2001-02, was received having been published in The St. Augustine Record.

Teresa Bishop, Planning Director, explained that the proposed agreement would serve as the developer's commitment to build the transportation facility necessary on C.R. 210 Link 34.1 to satisfy the County's transportation concurrency system. (4:46 p.m.) John Metcalf, 1104 Mill Creek Drive, read some language clarification by Mr. Bosanko, as follows: on page 5, Section 2(a), after the word "Property" in the first line, insert the words, "in regards to concurrency." (4:46 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve DEVAGREE 2001-02, Johns Creek, LLC Development and Impact Fee Agreement, and with the added language proposed by Mr. Bosanko.**

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

(07/23/02 - 14 - 4:56 p.m.)

6a. DISCUSSION OF PZA HEARING RE NOCATEE

Jacalone stated he had placed this item on the agenda due to reports he had heard that the Nocatee issue was not allowed to be heard at the Planning & Zoning hearing. Discussion was held. **Motion by Kohnke, seconded by Jacalone, carried 5/0, to request the PZA to rehear the Nocatee PUD.**

(5:08 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. S., Fruit Cove, spoke as being one of the challengers and speaking at the public hearing and asking that it not be heard at that time because the case was not finally disposed of and she did not think it was proper and she had objected to the hearing.

(07/23/02 - 14 - 5:12 p.m.)

6b. APPOINTMENT TO THE NORTHEAST FLORIDA HEALTH PLANNING COUNCIL

Bryant stated a letter was received from the HPC and Dr. Walker's term expired in October 2002 and it was necessary for the County to reappoint or replace Dr. Walker on the Board. **Motion by Reardon, seconded by Kohnke, carried 5/0, to reappoint Dr. Walker to the Health Planning Council of Northeast Florida, Inc.**

(07/23/02 - 14 - 5:14 p.m.)

6c. NORTHWEST SECTOR/DURBIN CREEK

Reardon stated Tom Manuel had requested that some verbiage be removed from the Northwest Sector Goals, Objectives and Policies. Discussion was held on the request to remove certain language; road connections; interconnectivity; overlay map, and other aspects of the GOP. *It was the consensus of the Board to direct Staff to remove paragraph "N" at the adoption hearing.*

(5:30 p.m.) Louise Thrower, 288 Orange Avenue, spoke on the petition that would be passed to the Northwest, and expressed concerns that interconnectivity between a new and existing development should not adversely or detrimentally impact, either to life, safety or monetary.

(07/23/02 - 15 - 5:32 p.m.)
COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke asked that the G-TV report on the Supervisor of Elections was looking for poll workers. She also commented on the School Board canceling the joint meeting that had been scheduled with the BCC.

Commissioner Reardon:

Reardon advised that Friday night there would be a banquet at the Royal St. Augustine Club House for CRC of St. Augustine at 6:30 p.m. Reardon asked for a Staff report on the sewer project in Ponte Vedra and utilization of JEA funds to lower costs to homeowners who were subjected to the sewer project.

Commissioner Bryant:

Bryant expressed concerns at the public comment portion of the agenda.

(07/23/02 - 15 - 5:58 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko reported on the PZA membership ordinance draft and asked for permission to advertise the public hearing for the second meeting in August.

(07/23/02 - 15 - 5:59 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reported on the School Board cancellation and scheduling conflicts.

(07/23/02 - 15 - 6:01 p.m.)

11. FIRST PUBLIC HEARING - AMENDMENT OF ARTICLE IV OF THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 4.01.02.E, NATURAL RESOURCES PERMITTING, UPLAND BUFFERS FOR LEGAL LOTS OF RECORD PRIOR TO SEPTEMBER 15, 1999. THIS IS A PROPOSED ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE, ARTICLE IV, SUBSECTION 4.01.02.E, NATURAL RESOURCES PERMITTING ADDRESSING UPLAND BUFFERS FOR LEGAL LOTS OF RECORD ESTABLISHED PRIOR TO SEPTEMBER 15, 1999 TO ADD A PROVISION FOR AVERAGING OF THE UPLAND BUFFER AND A PROVISION ADDRESSING UPLAND BUFFER CONDITION. THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS; THE SECOND PUBLIC HEARING IS SCHEDULED FOR AUGUST 6, 2002 AT 1:30 P.M.

Proof of publication of public notice (display advertisement) in the matter of Ordinance/Regulations Affecting Land Use was received, having been published in *The St. Augustine Record* on July 16, 2002.

Jan Brewer, Environmental Manager, made presentation of the item to the Board for its consideration, utilizing visual display. *Jacalone announced that the second public hearing was scheduled for August 6, 2002 at 1:30 p.m.*

Motion by Reardon, seconded by Jacalone, carried 5/0, to adjourn. There being no further business to come before the Board, the meeting adjourned at 6:10 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check Number 321672 through Check Number 321673, totaling \$10,694.43, dated 07/11/02
2. St. Johns Board of County Commissioners Check Register, Check Number 321674 through Check Number 321693, totaling \$40,310.37, dated 07/11/02
3. St. Johns Board of County Commissioners Check Register, Check Number 321694 through Check Number 321986, totaling \$719,946.89, dated 07/11/02 and 07/16/02

CORRESPONDENCE:

1. Letter to Florida Department of Transportation, from Clerk, enclosing certified copy of Resolution No. 2002-128, dated July 11, 2002
2. Letter to Bureau of Administrative Code, enclosing certified copies of Ordinances 2002-39 and 2002-40, dated July 19, 2002

Approved September 3, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Uwanna King
Deputy Clerk

