

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 13, 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
Margaret Chevalier, Clerk's Office
Yvonne King, Deputy Clerk

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

(08/13/02 - 1 - 9:10 a.m.)

The meeting was called to order by Chair Bryant.

(08/13/02 - 1 - 9:10 a.m.)

Reardon gave the Invocation. Jacalone led the Pledge of Allegiance.

(08/13/02 - 1 - 9:11 a.m.)

ROLL CALL

Bryant announced that all commissioners were present.

(08/13/02 -1- 9:12 a.m.)

PRESENTATION OF AWARDS BY COUNTY ADMINISTRATOR BEN ADAMS

Adams presented awards to: Paul Studivant, Donnie Tackett, Brad Powell, Troy Hersey, Tom Mulligan, Rick Mills, Glenn Wilson, Bill Behne, Rick Safelder, Jeff Pearson, Brian Collins, Darren Peddler, William Smith, Rachael Bennett, Lorri Davis, Jae Minor, Via Reynolds, Kathy Nielsen, Scott Lane and Greg Kennedy.

(9:17 a.m.) Adams introduced Bruce Ford, Chief Planner.

Adams read a letter he received from a resident regarding Stan Diangeles' knowledge on code requirements and standards that apply in St. Johns County.

Adams read a letter from the Fire And Emergency Preparedness Association regarding Ray Ashton, Director of Emergency Management informing that Ashton has met all the necessary requirements for earning the Florida Professional Emergency Manager Designation.

Adams informed the Board that Betty Sue Stepp has been recognized by the American Institute of Certified Planners.

Adams informed the Board of the life saving efforts of Bruce Abbey regarding a 10-month old child, who almost drowned.

Adams informed the Board that Stephanie Murray has obtained certification in Fire Investigation.

(08/13/02 - 2 - 9:23 a.m.)

PROCLAMATION PROCLAIMING THAT AUGUST 26 - SEPTEMBER 2, 2002 BE DESIGNATED AS FIRE AND RESCUE APPRECIATION WEEK AND COMMEND ALL ST. JOHNS COUNTY CITIZENS FOR THEIR EFFORTS ON BEHALF OF THE MUSCULAR DYSTROPHY ASSOCIATION

Jacalone read the proclamation; then, presented it to Susan Austin, Chief Bobby Hall and Mike Dietrich.

(08/13/02 - 2 - 9:28 a.m.)

PROCLAMATION PROCLAIMING THAT NOVEMBER 20, 2002 BE DESIGNATED AS WORLD CHILDREN'S DAY AT MCDONALDS AS THEY PURSUE AN ACTIVE ROLE IN OUR COMMUNITY TO MEET THE NEEDS OF CHILDREN

Kohnke read the resolution; then, presented it to Ronnie Klink (11:22a.m.) **Subsequently, motion by Jacalone, seconded by Reardon, carried 5/0, to adopt the Proclamations that were read this morning.**

(08/13/02 - 2 - 9:31 a.m.)

PUBLIC COMMENTS

Lynn Rothmund, 72 Lemon Street, representing Hearts, Hands, and Hoofs, explained the therapy services provided by this program. Rothmund informed the Board of the need for volunteers. She showed a video of aspects of the program. She then requested the community get involved.

(9:39 a.m.) Penny Scott, 265 North Roscoe Blvd., gave an update on the safety issue on Roscoe Blvd. Scott then introduced Ivan Browning, Palm Valley Community Association President.

(9:41 a.m.) Ivan Browning, 72 South Roscoe Blvd, Palm Valley Community Association President, commented on the safety issue.

(08/13/02 - 2 - 9:42 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested that Items #6, #8, and #9 be removed from the Consent Agenda and added to the Regular Agenda as Items #13a, 13b, and 13c. Adams then requested that Item #7 be removed from the Consent Agenda entirely.

(08/13/02 - 2 - 9:43 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
07/09/02 – BCC Regular Meeting
3. Sheriff's Bonds:
Approve: Paulette A. Crawford
Approve: Violet E. Seay
Cancel: Sanford Tannuzzi
Cancel: Douglas Mathiesen
4. Motion to adopt **Resolution No. 2002-158** recognizing as unanticipated revenue \$20,098 in donations and appropriating the funds for use by the St. Johns County Library (Department 0078)

RESOLUTION NO. 2002-158

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

5. Motion to adopt **Resolution No. 2002-159** recognizing unanticipated revenue in the amount of \$90,000 from Federal and State Grants and appropriating it to 1101-55304 and 1101-55305 (Mental Health - Federal Grant Expenditures and State Grant Expenditures)

RESOLUTION NO. 2002-159

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

6. Motion to adopt a Resolution approving a Final Plat for Courtyard Villas of Monterey (*This item was removed from the Consent Agenda and was added to the Regular Agenda as Item #13a; see page 12.*)
7. Motion to adopt a Resolution approving a Final Plat for St. Johns Golf and County Club Unit Three Phase Two (*This item was removed from the Consent Agenda in its entirety.*)
8. Motion to adopt a Resolution approving a Final Plat for Stonehurst Plantation Unit One-A (*This item was removed from the Consent Agenda and was added to the Regular Agenda as Item #13b; see page 12.*)
9. Motion to adopt a Resolution approving a Final Plat for Stonehurst Plantation Unit One-D (*This item was removed from the Consent Agenda and was added to the Regular Agenda as Item #13c; see page 12.*)

10. Motion to authorize the County Administrator to enter into a contract with Mr. Ed Shafer for an investigation into the water infiltration in the St. Johns County Judicial Center, for an amount not to exceed \$8,500.
11. Motion to approve a license agreement to operate a Farmers Market at the County Pier.
12. Motion to set Wednesday, September 25, 2002 at 5:30 p.m. at the St. Johns County Ponte Vedra Beach Branch Library as the date, time and place for a public hearing to enact a Capital Project Assessment Ordinance and to adopt an Initial Assessment Resolution for the MSD Sewer Assessment project.
13. Motion to approve of suspending the Board/Policies procedural Rule 4.101 (which prohibits Board action at meetings held outside the county seat) for the purpose of the Board to take action at a Special meeting and public hearing at the Ponte Vedra Branch Library in Ponte Vedra Beach on September 25, 2002 at 5:30 p.m.
14. Motion to set a Final Public Hearing Date on Thursday, November 7, 2002 at 5:30 pm at the Ponte Vedra Library Branch in Ponte Vedra for the Ponte Vedra Municipal Service District Sewer Project Final Assessment and the Final Resolution of Intent to use the Tax Bill Collection Method.
15. Motion to adopt **Resolution No. 2002-160** recognizing as unanticipated revenue \$500 in donations from the Florida East Coast Railway and appropriating the funds for use by the St. Johns County Planning Department (0018-53150).

RESOLUTION NO. 2002-160

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

16. Proofs:
 - a. Proof, Notice of Public Hearings, Establishment of Ordinance/Regulations Affecting the Use of Land, July 23, 2002 & August 6, 2002
 - b. Proof, Notice of Private Meeting of the Board of County Commissioners, August 6, 2002
 - c. Proof, Notice of Cancellation of Joint Special Meeting of St. Johns County Board of County Commissioners and St. Johns County School Board, July 25, 2002
 - d. Proof, Notice to Bidders, Bid No. 02-115
 - e. Proof, Notice to Bidders, Bid No. 02-116
 - f. Proof, Certificate of Insurance, Powertel, Inc./VoiceStream Wireless Corp.
 - g. Proof, Certificate of Liability Insurance, ABP Inc.

(08/13/02 - 4 - 9:44 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to add Item 8a, Series 1989 Revenue Bond Refunding, 8b, Recognition of Unanticipated Revenue Law Enforcement Trust Fund and 8c, Additions to Cash Requirements Report.

(08/13/02 - 5 - 9:45 a.m.)

APPROVAL OF REGULAR AGENDA

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

(08/13/02 - 5 - 9:45 a.m.)

1. DISCUSSION OF THE FUTURE OF LEO MAGUIRE ROAD

Joe Stephenson, Public Works Director, presented a review of the history of Leo Maguire Road and the future of the private road. (10:06 a.m.) Ray Bunton, St. Johns River Water Management District, commented on the St. Johns Water Management District property. (10:34 a.m.) Craig Maguire, 1544 San Rafael Way, St. Augustine, explained the North West Sector plan and the North-South corridor and that the proposed Leo Maguire Parkway is consistent with the sector plan. (10:40 a.m.) *The consensus of the Board was to ask the legal department to be involved and come up with an agreement with the Maguires to accommodate the St. Johns River Water Management District.*

The meeting recessed at 10:40 a.m. and reconvened at 10:47 a.m.

(08/13/02 - 5 - 10:47 a.m.)

2. REVIEW OF THE COUNTY'S CAPITAL IMPROVEMENT DRAINAGE PROJECT LOCATED WITHIN THE NORTH BEACH AREA

Joe Stephenson, Public Works Director, made a presentation on the drainage project. Sacha Martin informed the Board of her observations on the outflow ditches which drain from the properties on the north side of the Villages of Vilano property; said they rarely have a problem.

(08/13/02 - 5 - 11:17 a.m.)

3. CONSIDER THE JOINT USE AGREEMENT FOR USE OF OUTDOOR RECREATION FACILITIES AT ST. JOHNS COUNTY SCHOOLS AND COUNTY PARKS

Dan Weimer, Director of Recreation & Parks, made a presentation to the Board of a plan that allows more public use of public school facilities, outdoor and park facilities by the schools. Weimer suggested the agreement be for one year with a review at the end of the first year to be approved by the Board. (11:23 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0 to execute the Joint Use Agreement between the School Board and the County.**

(08/13/02 - 5 - 11:25 a.m.)

4. CONSIDER A BUDGET TRANSFER FROM GENERAL FUND RESERVES TO MENTAL HEALTH FOR THE MENTAL HEALTH FUND

Dr. Maria Colavito, Mental Health Administrator, made a presentation to consider a budget transfer from the General Fund Reserves to Mental Health for the Mental Health Fund. (11:28 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/1 to approve the transfer of \$800,000 from General Fund Reserves to the Mental Health Fund and increase mental health expenditures by an equivalent amount.**

(08/13/02 - 6 - 11:32 a.m.)

5. CONSIDER CONTRACTS WITH SDI INC. TO PREPARE COMMUNITY REDEVELOPMENT PLANS FOR THE VILANO BEACH AND FLAGLER ESTATES AREAS

Scott Clem, Growth Management Services Director, gave a presentation on considering contracts with SDI to prepare community redevelopment plans. (11:41 a.m.) Jerry Derkhold, 10405 Baylor Avenue, Hastings, Florida, President and Supervisor, wished to thank all for the services rendered from SDI. (11:42 a.m.) Vivian Browning, 40 Beachcomber Road, Vilano beach, commented in support of this proposal and thanked Scott Clem for getting this together. (11:44 a.m.) Sacha Martin, 133 Coastal Hollow Circle, reaffirmed how important the management plan was going to be. (11:36 a.m.) **Motion by Reardon, seconded by Meiszer, carried 5/0, to authorize the County Administrator to approve contracts with SDI Inc. to prepare community redevelopment plans for the Vilano Beach and Flagler Estates areas and to authorize the transfer of funding of \$22,000.**

(08/13/02 - 6 - 11:44 a.m.)

6. DISCUSSION OF AMENDMENTS TO SECTIONS 3.06 THROUGH 3.09 OF ARTICLE III OF THE LAND DEVELOPMENT CODE, ESTABLISHING REQUIREMENTS TO CLARIFY THE TYPE AND SIZE OF SIGNAGE WITHIN THE OVERLAY FOR THE PONTE VEDRA/PALM VALLEY OVERLAY, THE NORTH COSTAL OVERLAY, AND THE MID & SOUTH ANASTASIA ISLAND OVERLAYS.

Danielle Mayoros, Planner II, for St. Johns County Planning Division explained the amendments to sections 3.06 through 3.09 of Article III of the Land Development Code, Mid & South Anastasia Island overlays.

(8/13/02 - 6 - 12:00 p.m.)

7. CONSIDER AN APPOINTMENT TO THE LAMP CONSERVATION BOARD

Motion by Jacalone, seconded by Reardon, carried 4/1 with Meiszer dissenting, to appoint Jeffrey Hood to the LAMP Conservation Board.

(8/13/02 - 6 - 12:01 p.m.)

8. CONSIDER AN APPOINTMENT TO THE HISTORIC RESOURCE REVIEW BOARD

Motion by Reardon, seconded by Meiszer, carried 5/0 to appoint Ms. Jane Willoughby to the Historic Resource Review Board. (12:02 p.m.) Motion by Jacalone, seconded by Reardon, carried 5/0 approve the additional cash requirement report

(12:03 p.m.) Motion by Jacalone, seconded by Reardon, carried 5/0, to add the remaining items to the afternoon agenda.

The meeting recessed at 12:04 p.m. and reconvened at 1:40 p.m. with Bryant, Meiszer, Jacalone, Kohnke, Reardon, Adams, Sisco and Deputy Clerk Judy Hamilton present.

The meeting reconvened at 1:40 p.m. with Bryant, Meiszer, Jacalone, Kohnke, Reardon, Adams, Sisco and Deputy Clerk Judy Hamilton present.

(08/13/02 - 6 - 1:40 p.m.)

- 8a. SERIES 1989 REVENUE BOND REFUNDING

Joe Vonasek, Director of Management and Budget, requested the Board consider giving authorization to investigate and proceed with the refunding of the Series 1989 Water and Sewer Revenue Bonds. The underwriter has determined that the potential savings to the County may be over 5% and they asked that the Board direct the County Administrator to take the steps necessary to refund the outstanding portion of this bond, if they can find sufficient savings from the results of their investigation. **Motion by Jacalone, seconded by Kohnke, carried 5/0, to direct the Administrator to pursue refinancing the 1989 Issue.**

(08/13/02 - 7 - 1:43 p.m.)

8b. UNANTICIPATED REVENUE - LAW ENFORCEMENT

Vonasek stated that the Law Enforcement Trust Fund has an unrecognized balance of \$28, 895.12 in unanticipated revenue that can only be used by the Sheriff's Department and for them to use it, they would have to have the revenues recognized and appropriated to the Law Enforcement Trust Fund. **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2002-161, recognizing \$28, 895.12 from the sale of confiscated property and unclaimed funds and appropriating them to the Law Enforcement Trust Fund Equipment and the Law Enforcement Trust Fund Operating Supplies categories for use by the St. Johns County Sheriff's Office.**

RESOLUTION NO. 2002-161

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2002 LAW ENFORCEMENT TRUST FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY SHERIFF.

(1:45 p.m.) Dan Bosanko, Deputy County Attorney entered the meeting and Hunt left the meeting.

(08/13/02 - 7 - 1:45 p.m.)

9. PUBLIC HEARING - VACROA 01-002. VACATING A PORTION OF OCEAN SHORE BLVD./OLD A1A ROAD. THIS IS A REQUEST TO VACATE A PORTION OF OLD A1A AT THE SOUTHWEST CORNER OF THE INTERSECTION WITH GENE JOHNSON ROAD (SEE ATTACHED DRAWING). THE REQUEST CONSISTS OF AN APPROXIMATELY 50' WIDE STRIP IN FRONT OF THE APPLICANT'S LOT, RESULTING IN THE APPLICANT OBTAINING THE WESTERLY 25' AND THE EASTERLY 25' REVERTING BACK TO THE COUNTY. THE APPLICANT BOUGHT THE PROPERTY IN 1999 WITH THE FRONT WALL OF THE HOUSE ENCROACHING APPROXIMATELY 2.5 INCHES INTO THE RIGHT-OF-WAY (ATTACHED IS AN EXTENSIVE SUMMARY OF THE HISTORY OF THIS PROPERTY PROVIDED BY THE APPLICANT). THE HOUSE IS APPROXIMATELY 35' FROM THE EDGE OF THE ROADWAY PAVEMENT. A RIGHT-OF-WAY PERMIT WAS ISSUED TO ALLOW THE APPLICANT TO INSTALL A 3' LATTICE FENCE 20' FROM HOUSE TO PREVENT VEHICLES FROM PARKING AT HIS FRONT DOOR. THE APPLICANT'S DESIRE IS A MORE "PERMANENT" MEANS OF CONTROLLING THE 25' OF PROPERTY IN FRONT OF HIS HOUSE AND TO BRING HIS PROPERTY INTO A CONFORMING STATUS. VARIOUS PROCEDURES OTHER THAN A ROAD VACATION (I.E. LICENSE AGREEMENT, CONDITIONAL SALE, RIGHT-OF-WAY PERMIT, ZONING VARIANCE) HAVE BEEN EXPLORED; HOWEVER,

THIS IS THE ONLY MEANS THAT A CONSENSUS OF STAFF AND THE APPLICANT COULD REACH THAT WOULD MEET HIS OBJECTIVES. STAFF DOES NOT RECOMMEND APPROVAL OF THE REQUESTED VACATION.

Proof of publication of Notice of Public Hearing in the matter of Petition to Vacate a Portion of Old A1A Matanzas Inlet was received, having been published in *The St. Augustine Record* on July 27, 2002.

Darrell Locklear, Development Review Engineering Manager, addressed the Board, stating this was a request to vacate a proportion of Old A1A at the southwest corner of the intersection with Gene Johnson Road. (1:45 p.m.) MacDonald left the meeting. Staff did not recommend approval. Jacalone questioned Staff's position on this issue. Locklear responded, utilizing visual display, showing the vacation request. Jacalone questioned the vacation having to be a total vacation and the applicant couldn't request that the County vacate 25 feet of that 50-foot right-of-way. Bosanko clarified that the question goes to who owns the property after the road is vacated. In his opinion, the County would own at least the easterly 25 feet and as for the westerly 25 feet, the land owner on that side would have a possible claim to it. He stated that they do not guarantee that, it is for the court to determine. The reason it is done this way is because a normal vacation would convey the roadway to abutting property owners. Locklear relayed that the Utility Department has requested that if it were to be vacated, that they be able to maintain an easement over that portion.

(1:52 p.m.) Bill Meeler, 9121 Old A1A, spoke to the Board about the requested vacation. Reardon spoke on Meeler wanting permanency.

(2:04 p.m.) Sid Ansbacher, 780 N. Ponce de Leon Blvd., on behalf of Robert M. and Sally Stockman, and Archie and Michelle Jenkins, addressed the Board regarding the dispute among the northern property owners who are trying to preserve rights to the pig trail, which is an upland track to gain access to their parcels. Discussion followed on the access to the parcels.

(2:12 p.m.) Al Hadeed, Flagler Beach, with overhead projector, spoke representing families who own property affected by this right-of-way vacation petition. He represented Robert Zahra and his family, Dr. Raymond Fitzpatrick, Mrs. Jane Clarkson and family, Ellis Zahra, and the following people asked him to add their name to the list who objected to the vacation, Carlos Cardenas, Davrone Cardenas and David King. He read the language of the court in a context of vacation of a public right-of-way where it was alleged to have conferred a private benefit on a pending case that was in circuit court. **Motion by Jacalone, seconded by Kohnke, carried 5/0, to deny the request for vacation.**

(08/13/02 - 8 - 2:20 p.m.)

10. PUBLIC HEARING - ORDINANCE AMENDING ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THIS ORDINANCE REVISES SECTION 8.01.02 RELATING TO THE PLANNING AND ZONING AUTHORITY. AT ITS JUNE 18, 2002 MEETING, THE BOARD DIRECTED STAFF TO CHANGE LAND DEVELOPMENT CODE PROVISIONS AND THE MEMBERSHIP OF THE PLANNING AND ZONING AUTHORITY FROM SEVEN MEMBERS APPOINTED BY THE BOARD TO SIX MEMBERS APPOINTED BY THE BOARD AND ONE MEMBER APPOINTED BY THE SCHOOL BOARD IN ACCORDANCE WITH THE RECENT GROWTH MANAGEMENT LEGISLATION. THIS AMENDMENT IS PRESENTED AS A REWRITTEN SECTION 8.01.02 OF THE LAND DEVELOPMENT CODE. IN ADDITION TO THE PROVISIONS FOR ONE OF THE SEVEN PZA MEMBERS BEING

APPOINTED BY THE SCHOOL BOARD, TWO OTHER CONNECTED AMENDED PROVISIONS ARE INCLUDED FOR YOUR CONSIDERATION. THE FIRST IS FOUND IN PARAGRAPH A.6. OF SECTION 8.01.02 WHERE THE WORD "SHALL" IS CHANGED TO "MAY." THIS WILL ALLOW THE BOARD'S DISCRETION TO CONSIDER SPECIAL CIRCUMSTANCES IN VACATING A PZA POSITION DUE TO MEMBER ABSENCES. THE SECOND IS FOUND IN B.1. WHEREIN THE PZA CHAIR AND VICE-CHAIR POSITIONS ARE RESTRICTED TO BCC APPOINTED MEMBERS. IF THIS PROPOSED AMENDMENT IS ADOPTED, THE BCC MAY ALSO CONSIDER OPENING UP ONE POSITION ON THE PZA FOR THE PROSPECTIVE SCHOOL BOARD APPOINTED MEMBER TO FILL.

Proof of publication of Notice of Public Hearing in the matter of Land Development Code was received, having been published in the July 31, 2002 issue of *The St. Augustine Record*.

Dan Bosanko, Deputy County Attorney, addressed the Board, stating behind the agenda sheet is a statute that authorizes the proposed change of the Planning and Zoning Board membership to allow one of the positions to be held by a School Board Appointee with an ordinance attached to adopt that change, also attached is a new reworded part of the County's Land Development Code Section 8.01.02, and the last item is an underlined copy of the changes in that section. He mentioned that other than making one of the positions subject to appointment by the School Board, the only other change is one that requires the Chair or Vice Chair of the Zoning Board to be one of the Board of County Commissioners' appointees. Bryant questioned staying at seven members and Bosanko responded yes. **Motion by Jacalone, seconded by Reardon, to enact Ordinance No. 2002-43.** Meiszer questioned if there was some way for the BCC to have some veto over the appointment of the School Board, if it is not a School Board Member. Bosanko responded in answer to Meiszer's question, that it would take a new draft of this ordinance. His thought is that the Legislation requires one to have at least a non-voting member on the Board. It could be redrafted and re-advertised to: *a non-voting member appointed by the School Board or a voting member only if approved by the BCC.* Kohnke stated that she liked the language as is. Bosanko pointed out in A6 to strike out shall and replace with may. Scott Clem, Growth Management Director, addressed striking shall and replacing with may. Kohnke stated that she didn't need to have any say in who the School Board appointed and wouldn't want to see the Board codify who the sixth person would be. **The motion carried 5/0.**

(2:33 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to relieve Mr. John O'Rourke of the PZA position that he currently holds.**

ORDINANCE NO. 2002-43

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING SECTION 8.01.02 OF ARTICLE VIII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE SPECIFICALLY REVISES SECTION 8.01.02.A. MEMBERSHIP AND 8.01.02.B. OFFICERS; AND PROVIDING FOR AN EFFECTIVE DATE

(08/13/02 - 10 - 2:38 p.m.)

11. PUBLIC HEARING - 2002-13 NON-ZONING VARIANCE SEA LOVE MARINA. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.09.07.C.1 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE NORTH COASTAL CORRIDOR OVERLAY DISTRICT) TO HAVE AN 89.46 SQUARE FOOT INTERNALLY ILLUMINATED COMMERCIAL POLE SIGN. SECTION 3.09.07.C.1 PROVIDES FOR A MAXIMUM SIZE OF 12 SQUARE FEET AND A MAXIMUM HEIGHT OF 12 FEET. THE PROPOSED SIGN IS IN ADDITION TO THE EXISTING "GRANDFATHERED" GROUND SIGN, WHICH IS CURRENTLY LOCATED ON VILANO ROAD. THE SIGN IS PROPOSED TO BE LOCATED ALONG THE TOLOMATO RIVER ON THE WEST SIDE OF THE SUBJECT PROPERTY, WHICH IS LOCATED AT 250 VILANO ROAD IN THE VILANO BEACH TOWN CENTER PORTION OF THE NORTH COASTAL CORRIDOR OVERLAY DISTRICT. THIS ITEM IS SCHEDULED TO APPEAR BEFORE THE NORTH COASTAL DESIGN REVIEW BOARD ON THURSDAY, AUGUST 8, 2002 AT 2:00 P.M. AS A WORKSHOP ITEM TO GAIN THE DESIGN REVIEW BOARD'S INPUT ON THE PROPOSED SIGN. SHOULD THE BOARD OF COUNTY COMMISSIONERS APPROVE THE SUBJECT NON-ZONING VARIANCE, THE NORTH COASTAL CORRIDOR OVERLAY DESIGN REVIEW BOARD PRIOR TO INSTALLATION MUST FORMALLY APPROVE THE PROPOSED SIGN DESIGN. IN CONSIDERING THE REQUESTED NON-ZONING VARIANCE, THE BOARD OF COUNTY COMMISSIONERS MUST CONSIDER WHETHER THE APPLICANT HAS DEMONSTRATED THAT THE PROVISIONS AS SET FORTH IN SECTION 10.04.03.B OF THE LAND DEVELOPMENT CODE APPLY TO DEVELOPMENT OF THIS SITE.

Proof of publication of Notice of Public Hearing in the matter of File #PNZVAR 2002-13, Sea Love Marine was received, having been published in *The St. Augustine Record* on July 29, 2002.

Danielle Mayoros, Planner II, addressed the Board, stating this request seeks a non-zoning variance to waive Section 3.09.07.C.1 of the Land Development Code to have an 89.46 square foot externally illuminated commercial pole sign. (2:39 p.m.) Bosanko left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting. Reardon asked about ARC having to review this after BCC approval. Mayoros responded yes to ARC having to review this item. **Motion by Reardon, seconded by Jacalone, to approve PNZVAR 2002-13, with Findings of Fact 1 through 6 that support the motion.** Discussion followed on the size and color of the sign.

(2:43 p.m.) Derick Woolverton, 3276 Coastal Highway, Ponte Vedra Beach, spoke in support of the request. **The motion carried 5/0.**

(08/13/02 - 10 - 2:44 p.m.)

12. PUBLIC HEARING - PUD 2002-06 LAS PALMAS PLANNED UNIT DEVELOPMENT. THIS REQUEST SEEKS TO REZONE 14.38 ACRES LOCATED ON PALM VALLEY ROAD FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF UP TO 26 SINGLE-FAMILY HOMES. THE SUBJECT PROPERTY IS LOCATED AT 4445 PALM VALLEY ROAD AND IS DESIGNATED AS RESIDENTIAL-B COASTAL ON THE FUTURE LAND USE MAP. THE PROPERTY IS SURROUNDED BY LANDS DESIGNATED RESIDENTIAL-B COASTAL AND ZONED OPEN RURAL (OR) AND PUD. A CONCURRENCY MODIFICATION (CONMOD 2002-020 TO FCOC 99-CD-43 WAS APPROVED MAY 16, 2002 TO CONVERT THE 30,000 SQUARE FOOT PRIVATE SCHOOL

TO 23 SINGLE-FAMILY DWELLING UNITS AND TO ADD SEVEN ACRES WITH FIVE EXISTING HOMES TO BE DEVELOPED FOR A TOTAL OF 28 SINGLE-FAMILY UNITS. THE APPLICANT IS PROPOSING TO DEVELOP ONLY 26 DWELLING UNITS. ACCESS WILL BE PROVIDED VIA A NEW ROADWAY LOCATED ON PALM VALLEY ROAD AND SIDEWALKS WILL BE PROVIDED ALONG CR 210 AND THE INTERNAL ROAD. INTRACOASTAL UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER. IT IS STAFF'S OPINION THAT THE REQUESTED REZONING AND THE PROPOSED PLAN OF DEVELOPMENT COMPLY WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF RESIDENTIAL-B. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03, WHICH PROVIDES STANDARDS FOR PLANNED UNIT DEVELOPMENTS. STAFF ALSO FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVING THIS REZONING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM WITH THE DELETION OF THE WAIVER TO ACTIVE RECREATION BY A VOTE OF 5-1 AT THEIR JULY 18, 2002 MEETING

Proof of publication of Notice of Public Hearing in the matter of Las Palmas, 4445 Palm Valley Road was received, having been published in *The St. Augustine Record* on July 29, 2002.

Nicole Clayton, Planner II, addressed the Board, stating, this request sought to rezone 14.38 acres located on Palm Valley Road from Open Rural to Planned Unit Development to allow the development of up to twenty-six single family homes. She reviewed the waivers requested by the applicant. Kohnke disclosed having ex-parte communication with Mr. Davenport and the owner, Randy Towers, on the site and was consulting with them about not touching the first tree. Jacalone asked Clayton if there is a section in the Land Development Code requiring a minimum of one acre active recreation of a residential PUD of any size. Clayton responded yes to Jacalone's question.

(2:49 p.m.) Gary Davenport, 3266 Pacetti Road, representing the owner of the property, Pioneer Land, made a presentation to the Board utilizing visual display. He stated that he wanted to make one correction to the text on page 2 of 4, after the words, *to obtain a building or clearing permit which impacts an oak tree*, insert the words, *outside of a building envelope*. He also addressed the waivers. Kohnke asked what was being done to buffer plantation. He replied that they are doing the standard county requirement of a ten-foot buffer that is natural.

Further discussion was held on the waiver. (5:07 p.m.) Cindy Danner, 112 Governors Road, Ponte Vedra Beach, spoke on maintaining buffered areas of trees. **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2002-44, known as Las Palmas PUD (PUD 2002-06), adopting Findings of Fact 1 through 6 to support the motion; including the change on Page 2 of 4, first paragraph, last sentence, to read: "To obtain a building permit or clearing permit which impacts an oak tree outside of a building envelope between 6" DBH and 20" DBH, the lot owner must replace such tree with a flowering hardwood(s) on an equal credit ratio as provided for in the St. Johns County Land Development Code."**

ORDINANCE NO. 2002-44

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

(08/13/02 - 12 - 3:23 p.m.)

13a. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR COURTYARD VILLAS OF MONTEREY (*Consent Agenda Item #6*)

Motion by Jacalone, seconded by Reardon, carried 4/0 with Kohnke absent, to adopt Resolution No. 2002-162 approving a final plat for Courtyard Villas of Monterey.

RESOLUTION NO. 2002-162

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONER OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR COURTYARD VILLAS OF MONTEREY

(08/13/302 - 12 - 3:23 p.m.)

13b. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR STONEHURST PLANTATION UNIT ONE-A. (*Consent Agenda Item #8*)

Motion by Jacalone, seconded by Reardon, carried 4/0 with Kohnke absent, to adopt Resolution No. 2002-163 approving a Final Plat for Stonehurst Plantation Unit One-A.

RESOLUTION NO. 2002-163

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONER OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR STONEHURST PLANTATION, UNIT ONE-A

(08/13/02 - 12 - 3:24 p.m.)

13c. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR STONEHURST PLANTATION UNIT ONE-D (*Consent Agenda Item #9*)

Motion by Reardon, seconded by Jacalone, carried 4/0 with Kohnke absent, to adopt Resolution No. 2002-164, approving Final Plat for Stonehurst Plantation Unit One-D.

RESOLUTION NO. 2002-164

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONER OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR STONEHURST PLANTATION, UNIT ONE-D

(08/13/02 - 12 - 3:25 p.m.)

13. PUBLIC HEARING - REVIEW OF COUNTY RESPONSES TO THE DEPARTMENT OF COMMUNITY AFFAIRS OBJECTION,

RECOMMENDATION AND COMMENT (ORC) REPORT AND ADOPTION OF THE NORTHWEST SECTOR OVERLAY GOALS, OBJECTIVES AND POLICIES AND RELATED OVERLAY MAP AND REVISED TRAFFIC CIRCULATION PLAN MAP. ON JANUARY 22, THE BOARD OF COUNTY COMMISSIONERS APPROVED TRANSMITTAL OF THE NORTHWEST SECTOR PLAN AMENDMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA). THE COUNTY RECEIVED THE DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS RECOMMENDATIONS AND COMMENTS (ORC) REPORT ON APRIL 12, 2002. ATTACHED ARE THE COUNTY PLANNING STAFF RESPONSES TO THE REPORT WITH REVISED DRAFT 9 NORTHWEST SECTOR OVERLAY GOALS, OBJECTIVES, AND POLICIES (GOPS) AND THE RELATED OVERLAY MAP, AND A REVISED 2000-2015 TRAFFIC CIRCULATION PLAN. GENERALLY, THE RESPONSES ARE A MORE DETAILED EXPLANATION OF THE PROPOSED AMENDMENTS WITH THE RELATED SUPPORTING DATA AND ANALYSIS. THERE ARE SEVERAL MINOR CHANGES TO THE TRANSMITTED AMENDMENTS BASED ON THE DCA COMMENTS AND COUNTY STAFF RESPONSES. IN ADDITION, COUNTY PLANNING STAFF HAS MET WITH DCA AND DISCUSSED THESE CHANGES AND STAFF AGREED TO WORK WITH DCA TO DETERMINE IF A MUTUALLY ACCEPTABLE UNIFORM METHODOLOGY CAN BE DEVELOPED FOR ESTABLISHING NEED IN THE NORTHWEST SECTOR OVERLAY AREA FOR USE BY APPLICANTS DURING THE INTERIM PERIOD BETWEEN EAR UPDATES. PRESENTLY, COUNTY STAFF IS COORDINATING WITH DCA STAFF ON THIS EFFORT. THE 2015 TRAFFIC CIRCULATION MAP IS REVISED TO DESIGNATE THE RIGHT-OF-WAY FOR THE NORTH/SOUTH CORRIDOR. THE ORC REPORT AND AMENDMENTS WERE PRESENTED TO THE PZA AT A PUBLIC WORKSHOP HELD ON JULY 10, 2002 AND MOST RECENTLY AT A PUBLIC HEARING HELD ON AUGUST 1, 2002. AT THE AUGUST 1, 2002 PUBLIC HEARING THE PZA UNANIMOUSLY VOTED TO FIND THE AMENDMENTS CONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMEND TO THE BOARD TO ADOPT AND FORWARD THE AMENDMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS. THE BOARD IS ASKED TO REVIEW THE RESPONSES TO THE ORC REPORT AND FIND THE AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND ADOPT THE NORTHWEST SECTOR OVERLAY GOPS AND RELATED OVERLAY MAP AND THE AMENDED 2000-2015 TRAFFIC CIRCULATION PLAN

Proof of publication of Notice of Public Hearing (display advertisement) in the matter of Northwest Sector Overlay Goals, Objectives and Policies and Overlay Map was received, having been published in the July 17, 2002 issue of *The St. Augustine Record*.

Teresa Bishop, Planning Director, addressed the Board, advising them of the proposed responses. (3:28 p.m.) Kohnke re-entered the meeting. Discussion was held on needs analyses; methods of acquiring road rights-of-way; addition of North-South Corridor; funding mechanisms; rule variance; rural character; avoiding urban sprawl; scenic buffers; development edges; recreation; advertising; and notifications to property owners. Further discussion ensued on a Northwest Coalition update at an area school and having the document placed in libraries, with maps, and putting it on a web site on the internet. (4:02 p.m.) Ben Adams, County Administrator, entered the meeting and David Halstead, Assistant County Administrator, left the meeting. More discussion was held. Public comment was then received:

(4:13 p.m.) Tom Manuel, 505 Becker Branch, expressed appreciation to the Board, on behalf of Julington Creek Plantation, for listening. (4:15 p.m.) John Metcalf, 1104 Mill

Creek Dr., spoke on buffers, with visual display, and stated letters had been sent. (4:23 p.m.) Louise Thrower, 288 Orange Avenue, with visual display, spoke on hindrances to the Northwest Sector Plan and asked them to hold another meeting. (4:33 p.m.) Ellen Whitmer, 1178 Natures Hammock Road So., echoed what Thrower said. (4:37 p.m.) Frances U. Smith, 1341 Roberts Rd., Interim President of the Northwest Coalition, spoke in favor of another public workshop. (4:39 p.m.) Cyndi Stevenson, 148 Cattail Circle, voiced her concerns. (4:41 p.m.) Ed Brunson, 3058 Prescott Falls Dr., Jacksonville, South Star Development Partners, confirmed letters were sent out. Further discussion was held on buffers, blueways and other various aspects of the document.

It was recommended that Staff and the community schedule a workshop at Switzerland Point Middle School on Friday, August 23, at 7:00 p.m. **Motion by Meiszer, seconded by Bryant, carried 5/0, to continue the item to September 24, 2002 at 1:30 p.m.**

(08/313/02 - 14 - 5:19 p.m.)
COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke reported on the opening of the Ponte Vedra Library.

Commissioner Reardon:

Reardon spoke on a rebar sticking out of the sand in front of Beachcombers, and a big dropoff on CR 210 east of Davis Park.

Commissioner Meiszer:

No report.

Commissioner Jacalone:

Jacalone spoke on the St. Augustine South ditch project; Prince Road concerns; plaque purchase; and recognition of Eagle Scouts.

Commissioner Bryant:

Bryant spoke on Northrup Grumman being picked as one of the 25 best in US Management, Tools and Strategies; and dedication of Beach Renourishment Program at Pavilion at St. Augustine Beach.

(08/13/02 - 14 - 5:26 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reported on the Nocatee hearings, which are to be held on September 6 and September 13, 2002.

(08/13/02 - 14 - 5:27 p.m.)
CLERK OF COURT'S REPORT

The Clerk's Office requested a short meeting on August 27, for Cash Report approval. Jacalone, Bryant and Reardon indicated they would be available at 9:00 a.m.

(9:58 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

There being no further business to come before the Board, the meeting adjourned at 5:28 p.m.

Approved September 17, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Juanne King
Deputy Clerk