

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 17, 2002
8:30 A.M.**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: James E. Bryant, District 5, Chair
Nicholas Meiszer, District 1, Vice Chair
John Reardon, District 2
Marc Jacalone, District 3
Mary Kohnke, District 4
David Halstead, Assistant County Administrator
James Sisco, County Attorney
Robin Platt, Deputy Clerk

(09/17/02 - 1 - 8:37 a.m.)

The meeting was called to order by Chair Bryant.

(09/17/02 - 1 - 8:37 a.m.)

CLOSED SESSION - PRIVATE/SHADE MEETING PURSUANT TO FLORIDA STATUTE 286.011(8) - NAAAM VS. ST. JOHNS COUNTY. THE NATIONAL AFRICAN-AMERICAN ARCHIVES AND MUSEUM, INC. SUED THE COUNTY ALLEGING THAT THE COUNTY BREACHED THE TOURIST PROMOTION CONTRACT AND THE SUBLEASE OF THE EXCELSIOR BUILDING. THE COUNTY COUNTER CLAIMED SEEKING TO EVICT NAAAM. A MEDIATION PROCEEDING WAS HELD IN JACKSONVILLE ON MONDAY, AUGUST 26, 2002. THE COUNTY ATTORNEY HAS REQUESTED THIS SHADE MEETING TO DISCUSS POSSIBLE SETTLEMENT OPTIONS AND LITIGATION EXPENSES. THIS MEETING HAS BEEN ADVERTISED FOR 8:30 A.M. THIS IS A PRIVATE/SHADE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES.

- A. Call to order of Special Meeting by Chair
- B. County Attorney announces the Private/Shade Meeting will commence at 8:30 a.m. and is estimated to last 30 minutes
- C. Chair announces the Private/Shade Meeting in Conference Room A
- D. Chair announces specific names of persons attending the meeting
- E. Meeting attendees move to Conference Room A for the Closed Session

Proof of Publication was received regarding the Notice of Public Hearing on the Special Private/Shade Meeting of the BCC regarding the NAAAM lawsuit, having been published in *The St. Augustine Record* on September 4, 2002.

(8:37 a.m.) Sisco informed the Board that he needed advice in the matter of NAAAM vs. St. Johns County. Bryant stated James E. Bryant, Nicholas M. Meiszer, Marc A. Jacalone, John J. Reardon, Mary F. Kohnke, David Halstead, James G. Sisco, Esquire, James Middleton, Esquire and Ellen Waterson, Court Reporter would be in attendance.

(9: 32 a.m.) Bryant called the regular meeting to order.

(09/17/02 - 2 - 9: 33 a.m.)

The Invocation was given by Jacalone. The Pledge of Allegiance was led by Bryant.

(9:34 a.m.) Sisco informed the Board of their options regarding the proposed Settlement Agreement. (9:34 a.m.) **Motion by Jacalone, seconded by Reardon, approved 5/0, to accept the Mediated Settlement Agreement between St. Johns County and NAAAM, Inc.**

(09/17/02 - 2 - 9: 34 a.m.)
ROLL CALL

Bryant stated that all five Commissioners were in attendance.

Cheryl Strickland, Clerk of Courts and Allen MacDonald, Finance Director, were also in attendance.

(09/17/02 - 2 - 9: 35 a.m.)
PRESENTATION TO COMMISSIONER JIM BRYANT & ST. JOHNS COUNTY'S LOCAL COORDINATING BOARD (LCB) AS OUTSTANDING LCB OF THE YEAR BY THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

Stephen Jones, Florida Commission for the Transportation Disadvantaged, presented the award for Outstanding LCB of the Year. Mr. Jones and Commissioner Bryant introduced members of the LCB.

(09/17/02 - 2 - 9: 41 a.m.)
PUBLIC COMMENT

Edwin Taylor, 3665 Crazyhorse Trail, Chairman of the Veterans Council of St. Johns County, invited the Board, and others, to attend a flag retirement ceremony and an essay/art contest award presentation on Saturday, September 21, at the National Cemetery in St. Johns County.

(09/17/02 - 2 - 9:46 a.m.)
DELETIONS TO CONSENT AGENDA

Sisco pulled Item 7 and moved Item 8 to the Afternoon Agenda as Item 17A.

(09/17/02 - 2 - 9:47 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report.
2. Approval of Minutes:
 - 07/30/02 - BCC Regular
 - 08/02/02 - BCC Budget Workshop
 - 08/06/02 - BCC Regular
 - 08/13/02 - BCC Regular
 - 08/27/02 - BCC Special
 - 09/03/02 - BCC Regular
3. Motion to declare specifically listed items as surplus and allow the Finance Department to remove the items from the fixed asset list.

4. Motion to direct the County Administrator to execute the Cost-share Agreement contract between the St. Johns River Water Management District and the County for West St. Augustine Drainage Improvements.
5. Motion to adopt **Resolution No. 2002-181**, authorizing the Chairman to sign a contract with the St. Johns County School Readiness Coalition.

RESOLUTION NO. 2002-181

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AUTHORIZING THE CHAIRMAN TO SIGN A CONTRACT WITH THE ST. JOHNS COUNTY SCHOOL READINESS COALITION; PROVIDING AN EFFECTIVE DATE

6. Motion authorizing the County Administrator to execute the Traffic Signal Maintenance and Compensation Agreement between the State of Florida Department of Transportation and St. Johns County.
7. Motion to adopt a Resolution approving a Final Plat for Stonehurst Plantation Unit One-C.

This item was pulled from the Consent Agenda.

8. Motion to adopt a Resolution approving a Final Plat for Julington Creek Plantation Parcels 64 and 65 Phase I.

This item was pulled from the Consent Agenda and added to the Regular Agenda as Item 17A.

9. Motion to adopt **Resolution 2002-182**, authorizing the execution of an agreement with the State of Florida Department of Transportation for the improvements to the Deep Creek Bridge.

RESOLUTION NO. 2002-182

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN AGREEMENT FOR ROAD AND BRIDGE IMPROVEMENTS UPON A PORTION OF COUNTY ROAD 13 WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO THE DEEP CREEK BRIDGE

10. Motion to establish October 1, 2002 at 5:30 p.m. and October 15, 2002 at 1:30 p.m. as public hearing dates to consider amendments to the Land Development Code.
11. Motion to approve the transfer of \$10,394 from 3316-59923 Contingency Funds to 3316-56200 Buildings to cover the cost of wiring computers and phone lines at the New NW Annex Project.
12. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the number one ranked firm Mittauer & Associates for RFP Number 02-108, Engineering Services on a USDA Rural Development West Augustine Water and Wastewater Project, or if an agreement cannot be reached with the number one ranked firm, authorization is requested to terminate

negotiations and begin negotiations with the number two ranked firm and continue until an agreement is reached. (*Attachment "A"*)

(09/17/02 - 4 - 9:47 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Halstead added Item A1, a credit card contract issue to be presented by Allen McDonald.

(09/17/02 - 4 - 9:48 a.m.)

APPROVAL OF REGULAR AGENDA

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

(9:48 a.m.) Bryant commented that Ben Adams had to report for jury duty this morning and would be in attendance later, if excused.

(09/17/02 - 4 - 9:49 a.m.)

A1. CREDIT CARD SUBSCRIPTION AGREEMENT ISSUE

Allen MacDonald, presented the proposed Credit Card Agreement with First Union/Wachovia Bank to enable county facilities to accept American Express and Discover Card, in addition to Mastercard and Visa.

(9:51 a.m.) **Motion by Reardon, seconded by Jacalone, approved 5/0, to authorize the County Administrator to execute the Subscription Agreements with Discover Financial Services, Inc. and American Express Travel Related Services Co., Inc.**

(9/17/02 - 4 - 9:53 a.m.)

1. PUBLIC HEARING - ST. JOHNS COUNTY BUSINESS INCENTIVE ORDINANCE. THE COUNTY ECONOMIC DEVELOPMENT COMMITTEE CHAIRMAN PRESENTED A RECOMMENDED BUSINESS INCENTIVE POLICY TO THE BOARD OF COUNTY COMMISSIONERS ON MAY 28, 2002. THE BOARD MADE SUGGESTIONS AND AUTHORIZED THE COUNTY ATTORNEY TO DEVELOP AN ORDINANCE. THIS ORDINANCE AUTHORIZES THE IMPLEMENTATION OF A COUNTY BUSINESS INCENTIVE PROGRAM FOR THE PURPOSE OF ENTICING TARGETED INDUSTRIES TO RELOCATE OR EXPAND IN ST. JOHNS COUNTY. IT WILL ALSO ADOPT THE TARGET INDUSTRY LIST ESTABLISHED BY THE ST. AUGUSTINE/ST. JOHNS COUNTY CHAMBER OF COMMERCE.

Proof of Publication was received regarding the Notice of Public Hearing on the St. Johns County Business Incentive Ordinance, having been published in *The St. Augustine Record* on September 6, 2002.

Ted Zebrowsky, Governmental Relations, presented the proposed Ordinance. He reviewed the changes that were made since the initial presentation, including the Target Industry List and the creation of an Economic Development Agency, whose members would be from County Staff, and would allow for a confidentially clause, if desired. He entertained questions from the Board. (10:03 a.m.) Jacalone commented that the Board would still have the flexibility to determine the benefits offered to each applicant and requested that the words "*Board of County Commissioners*" be substituted for "*Board*" in the document. (10:10 a.m.) Meiszer requested *naming, by title, the staff positions that would make up the Agency*. Discussion followed. (10:15 a.m.) Roger Van Ghent, 4005 Moultrie

Foreside Blvd., commented on the issue of confidentially versus the public's need to know in relation to the types of industry that would possibly locate in the County. (10:19 a.m.) **Motion by Jacalone, seconded by Reardon, approved 5/0, to adopt Ordinance No. 2002-47, with amendments as stated by Jacalone and Meiszer.**

ORDINANCE NO. 2002-47

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, THAT MAKES FINDINGS; PROVIDES DEFINITIONS; APPROVES AND ADOPTS A ST. JOHNS COUNTY TARGET INDUSTRY STUDY; ADOPTS AND IMPLEMENTS A ST. JOHNS COUNTY BUSINESS INCENTIVE PROGRAM THAT (1) IDENTIFIES OR TARGETS CERTAIN BUSINESSES AND INDUSTRIES WHOSE CREATION OR EXPANSION WITHIN THE COUNTY, OR RELOCATION TO THE COUNTY, WILL STIMULATE THE COUNTY'S ECONOMY AND PROVIDE ENHANCED EMPLOYMENT OPPORTUNITIES FOR THE COUNTY'S CITIZENS AND (2) ESTABLISHES CRITERIA FOR THE BOARD'S GUIDANCE IN MAKING ECONOMIC DEVELOPMENT GRANTS TO SELECTED TARGETED BUSINESSES AND INDUSTRIES; CREATES A PUBLIC ECONOMIC DEVELOPMENT AGENCY AND PROVIDES THAT CERTAIN RECORDS OF THE AGENCY ARE CONFIDENTIAL AS REQUIRED BY SECTION 288.075, FLORIDA STATUTES; APPROVES AN APPLICATION FORM TO BE USED BY THE MANAGEMENT OF TARGETED BUSINESSES AND INDUSTRIES TO APPLY FOR ECONOMIC DEVELOPMENT GRANTS FROM THE COUNTY; AUTHORIZES THE EXPENDITURE OF COUNTY FUNDS TO PROVIDE ECONOMIC DEVELOPMENT GRANTS TO SELECTED TARGETED BUSINESSES AND INDUSTRIES; PROVIDES PROCEDURES; REQUIRES THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE COUNTY AND A SELECTED TARGETED BUSINESS OR INDUSTRY AS A CONDITION FOR THE GRANT; ALLOWS COUNTY STAFF TO EXPEDITE THE COUNTY'S PERMITTING AND DEVELOPMENT ORDER PROCESS FOR PROJECTS THAT RECEIVE COUNTY ECONOMIC DEVELOPMENT GRANTS; DECLARES THAT THE COUNTY'S BUSINESS INCENTIVE PROGRAM DOES NOT CREATE ANY ENTITLEMENTS TO GRANTS; ESTABLISHES OTHER GRANT PARAMETERS; AND PROVIDES AN EFFECTIVE DATE

(09/17/02 - 5 - 10:20 a.m.)

2. CONSIDER A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY (2.4 ACRE PARCEL LOCATED ON THE NW CORNER OF A1A & MATANZAS AVE.) FOR FUTURE OFF-BEACH PUBLIC PARKING.

Dan Weimer, Director of Parks and Recreation, gave a presentation regarding the Purchase and Sale Agreement to acquire property for off beach parking. He reviewed the funding sources that will be used to fund this purchase. Discussion followed. (10:25 a.m.) Robert Kahrs, 5172 Atlantic View, spoke in support of this item. (10:25 a.m.) Cyndi Stevenson, 148 Cattail Circle, asked that the safety of pedestrian traffic crossing A1A be considered. (10:28 a.m.) Jerry Delany, 1673 Masters Dr., spoke in support of this

item, but is concerned about the safety of pedestrians and questioned if there will be walk over access and access for the handicapped. (10:30 a.m.) Michael Hunt, Assistant County Attorney, entered the meeting. (10:31 a.m.) **Motion by Meiszer, seconded by Reardon, approved 5/0, to adopt Resolution No. 2002-183, to approve the Purchase and Sale Agreement.**

Roll call vote:

Reardon	aye
Jacalone	aye
Kohnke	aye
Bryant	aye
Meiszer	aye

RESOLUTION NO. 2002-183

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONER OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR FUTURE OFF BEACH PUBLIC PARKING

The meeting recessed at 10:32 a.m. and reconvened at 10:40 a.m. with Laura Barrow, Assistant County Attorney, in attendance.

(10:40 a.m.) Allen Mc Donald left the meeting.

(09/17/02 - 6 - 10:40 a.m.)

3. DISCUSSION OF THE COMPLETED DRAFT OF ST. JOHNS COUNTY'S HABITAT CONSERVATION PLAN - (THIS PLAN INCLUDES AN OPTION TO DISCONTINUE ALL BEACH DRIVING NORTHWARD FROM THE VILANO BEACH RAMP.)

Jan Brewer, Environmental Manager, presented an overview of the proposed Habitat Conservation Plan. She stated that the County is required to comply with Federal Law, specifically the Endangered Species Act, which beach driving greatly increases the risk of violating. In order for the County to continue beach driving, and avoid prosecution by the Federal Government, the County must obtain an Incidental Take Permit, and the Habitat Conservation Plan must accompany the permit application to comply with Federal Law. She reviewed current beach driving regulations and the proposed allowable times that are to be submitted with the permit application. She further stated that the goal was to produce an impartial plan that has a high degree of reliability of being accepted by the US Fish and Wildlife Service. (10:44 a.m.) MacDonald entered the meeting. (10:49 a.m.) Laura Barrow stated that the County is required to comply with Federal Law. We are now on notice that the Federal Government is willing to cooperate with the County in obtaining this permit, but if we do not comply voluntarily the Federal Government will force us to comply with the Endangered Species Act, which could include an injunction to prohibit all beach driving. There could also be monetary civil or criminal penalties imposed. (10:52 a.m.) Kohnke questioned if there is a way to allow people who fish access to the beach before the proposed 8:00 a.m. access time, the cost of patrolling, the enforcement power of the Beach Rangers and the driving plan for Porpoise Point. (10:56 a.m.) David Williams, Beach Management, stated that several years ago all of the Beach Ordinances were decriminalized to allow civilians some enforcement capabilities. (10:58 a.m.) Brewer explained the Porpoise Point driving plan. (10:58 a.m.) Jacalone commented that he does not agree that the Board could not amend

the proposed Plan and asked if this permit would protect the County from liability if an endangered species is documented and verified to have been killed by beach driving. (11:01 a.m.) Barrow stated that the County would be protected if the species harmed is one that is listed in the Plan, but we are protected only if we have an Incidental Take Permit. There was further discussion regarding the protection from prosecution the Plan would afford the County. (11:09 a.m.) Meiszer questioned if the volunteers would be replaced by the Beach Rangers. (11:09 a.m.) Brewer explained the volunteers are Turtle Permit holders, and would remain such, and the Beach Rangers would be in addition to the volunteers and would be Code Enforcers. (11:17 a.m.) Jerry Delaney, 1673 Masters Dr., spoke on behalf of the United Beach Lovers Association, he read their Mission Statement into the record, and stated that they intend to monitor what happens on the beaches. (11:19 a.m.) Bryant suggested to Mr. Delaney that he and his group meet with Jan Brewer to see if they can reach a consensus. He also read into the record a letter from Mr. Delaney. (11:25 a.m.) Sam Skultety, 428 Porpoise Point Dr., commented that Porpoise Point is constantly changing with the tides and erosion and questioned the traffic plan for that area. (11:28 a.m.) John Reid, 105 Jerez Ct., Vilano Beach, is concerned with the privatizing of North Beach. He stated that the closing of North Beach would create 10 miles of private beaches with limited public access. (11:30 a.m.) Frankie Pacetti, 724 Hansen Rd., stated that driving on the beach is a privilege that she does not want taken away. She questioned why the legal right-of-ways to beaches are not currently open. She thinks that possibly they are being used by the property owners and she also feels that the rights of the taxpayers to have access to the beaches needs to be weighed against the rights of the turtles. (11:33 a.m.) Terry Moore, 605 17th Street, spoke in opposition of closing North Beach. (11:35 a.m.) Don Cattaneo, 341 Village Dr., commented that there is no scientific evidence behind the Plan. He stated that since 1994 only one hatchling has been killed on North Beach and there is no information as to who actually killed it. (11:41 a.m.) Stephen Green, 700 West Pope Rd., #M99, is concerned that closing a portion of St. Johns County Beaches will set as precedence to ban beach driving throughout the county. Currently there is not enough off beach parking to handle the volume of displaced vehicles if driving is banned. (11:42 a.m.) Cheryl Strickland left the meeting. (11:43 a.m.) Burgess Autrey, 410 2nd St., North Beach, Eastern Surfing Association, Southeast Regional Director, spoke in opposition to the Plan as it is too vague. (11:45 a.m.) Earl Burghart, 314 Fourth Street, North Beach, spoke in opposition to the Plan and asked if he was going to have to drive all the way across town to be able to drive on the beach. (11:46 a.m.) Carl Youman, 132 Turtle Cove Ct., Ponte Vedra Beach, stated that he feels that the developers are trying to create private beaches for their developments under the guise of conservation. He does support portions of the Plan, i.e. some restricted driving times and cleaning up tire tracks. (11:52 a.m.) Cyndi Stevenson, 148 Cattail Cr., spoke in opposition to the Plan as she feels that we have already done enough to protect the turtles as, per her research, there has been significant increases in turtle nesting activity in the last twelve years. She fears too many restrictions may cause public resentment against the turtle. She would like to have a provision for sunrise services for church groups. (11:59 a.m.) Mel Longo, 620 21st St., North Beach, spoke in opposition to the Plan as it is too restrictive and stated that the parking on the west side of A1A is under utilized due to having to climb a two-story walkover to access the beach. (12:01 p.m.) Tom Kinsinger, 2960 1st St., Vilano Beach, spoke in opposition to the Plan to restrict driving on the beach. (12:03 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the St. Johns County Audubon Society, explained what an endangered species is and stated that the mitigation section of this Plan needs to be addressed, possibly to offer off beach parking as mitigation to restricted driving. He feels that there needs to be a balance between humans and nature. (12:09 p.m.) Michael Burbank, 2740 Old Moultrie Rd., stated that the Plan is out of line with his needs, as 99% of his entrances to the beach are between 5:00 a.m. and 6:00 a.m. and he is usually gone by 9:00 a.m. and would like to have that taken into consideration. (12:14 p.m.) Freddie Thomas, 4025 State Road 16, stated that

he has worked on the beach for the last 30 years and disagrees with further time restrictions and requested that the human element be addressed in the equation, as well as, the turtles and mice. (12:17 p.m.) Maia McGuire, 826 Viscaya Blvd., questioned what will happen if the application is turned down. (12:18 p.m.) Bryant read a letter into the record from Barbara Green. (12:22 p.m.) Heather McCarthy, Senior Scientist, Ecological Associates, Jensen Beach, and Dave Williams, Beach Manager, responded to and answered the questions that were raised during public comment regarding the driving plan for Porpoise Point, the proposed Beach Management Plan, which addresses the opening of beach access right-of-ways, beach mice, take records and why North Beach was chosen as the area to be closed. (12:33 p.m.) Meiszer read a letter into the record from Latrell and Yulee Mickler. (12:37 p.m.) Kohnke commented that the Federal Government does have the authority to close our beaches and if we do not submit a plan they will close all of our beaches to traffic. (12:42 p.m.) Reardon stated that he does not support the extension of time in the Plan as it does not coincide with the turtle nesting period. (12:48 p.m.) Jacalone stated that he is in disagreement of further restrictions of hours and the closing of North Beach as he feels that what we have in place now is sufficient to submit to the US Fish and Wildlife Commission. Discussion followed regarding jurisdiction over the County's beaches. (12:57 p.m.) Kohnke left the meeting. (12:57 p.m.) Brewer stated that the Public Hearing for this item is on October 1, in the Afternoon Session. She will communicate the issues that were brought up at today's meeting, by the Board, as well as, the public, to the US Fish and Wildlife Commission and hopefully she will have a response by the October 1 meeting. (1:02 p.m.) Barrow commented that the Federal Government most absolutely has jurisdiction to enforce Federal Law anywhere within St. Johns County and could close our beaches.

(1:02 p.m.) Bryant stated that all additional items from the Morning Session (Items 4 through 11) were moved until after the Public Hearings scheduled at 1:30 p.m.

The meeting recessed at 1:03 p.m.

And reconvened at 1:30 p.m. with Bryant, Meiszer, Jacalone, Halstead, County Attorney Barrow, Deputy Clerk Yvonne King, Margaret Chevalier, Clerk's Office present.

(09/17/02 - 8 - 1:40p.m.)

12. PUBLIC HEARING - NZVAR-02-0015 NIKILOV NON-ZONING VARIANCE. THE APPLICANT IS SEEKING A NON-ZONING VARIANCE TO SECTION 6.02.03.B.3.A (EASEMENT IN A RECORDED PLAT) AND 5.01.01C (PLATTING). THE SUBJECT PROPERTY IS THE EASTERLY 313' OF TRACT 6, PALM VALLEY GARDENS, UNIT 4, LOCATED AT 194 ½ ROSCOE BLVD. THE APPLICANT PURCHASED THE PROPERTY IN JUNE OF 2001 WITH AN EXISTING RESIDENCE, TOGETHER WITH AN EASEMENT FOR INGRESS & EGRESS. UPON APPLICATION FOR A PERMIT TO COMPLETE THE GARAGE AND ENCLOSE THE FIRST FLOOR OF THE HOUSE, IT WAS DISCOVERED THAT THE PROPERTY HAD BEEN DIVIDED IN 1988, IN VIOLATION OF THE SUBDIVISION REGULATIONS IN EFFECT AT THAT TIME. THOSE REGULATIONS WOULD HAVE REQUIRED A REPLAT OR THE GRANTING OF A WAIVER TO THE SUBDIVISION REGULATIONS. SECTION 5.01.01C OF THE CURRENT LAND DEVELOPMENT CODE REQUIRES A REPLAT TO INCREASE THE NUMBER OF LOTS IN A PLATTED SUBDIVISION. SECTION 6.02.01.B.3 DOES NOT ALLOW EASEMENTS FOR ACCESS IN RESIDENTIALLY PLATTED SUBDIVISIONS. ALTHOUGH STAFF CANNOT RECOMMEND APPROVAL OF THESE VARIANCES BASED ON THE LAND DEVELOPMENT CODE, ALL APPLICABLE DEPARTMENTS HAVE REVIEWED THIS REQUEST AND STAFF HAS NO FURTHER OBJECTIONS.

Proof of publication of the notice of public hearing on the NZVAR-02-0015 Nikilov Non-Zoning Variance was received having been published in the St. Augustine Record on August 30, 2002.

Kathy Neilson, presented the non-zoning variance for both the platting requirements and the inability to use an easement within a platted subdivision. (1:41 p.m.) Kohnke entered the meeting. (1:42 p.m.) **Motion by Reardon, seconded by Meiszer, carried 5/0, to approve the non-zoning variance to Sections 5.01.01.C and 6.02.01.B.3 of the Land Development Code.**

(09/17/02 - 9 - 1:43 p.m.)

13. PUBLIC HEARING - NEW CONTRACTOR LICENSING ORDINANCE TO REPLACE ORDINANCE 96-51, MAKING THE RECOMMENDED CHANGES REQUESTED BY THE CONTRACTOR REVIEW BOARD: 1) DEFINES THE COMPLIANCE METHODS AND REMEDIES IN SECTION 17 OF THE ORDINANCE. 2) MODIFIES THE OWNER/BUILDER EXEMPTION SECTION 2 TO QUALIFY HUSBAND AND WIFE AS ONE EXEMPTION PER YEAR. 3) CORRECT THE APPEALS REQUIREMENTS IN SECTION 16. 4) THE TRADES STRUCTURAL STEEL AND IRRIGATION CONTRACTORS ADDED TO ORDINANCE AND OTHER STRUCTURAL TRADES AND FINISH TRADES REDEFINED DUE TO THE NEW FLORIDA BUILDING CODE. 5) DELETES THE REQUIRED \$5,000 STATE AND \$3,000 COUNTY CODE REMEDY BONDS. 6) INCREASES THE CONTRACTOR'S BIENNIAL LICENSE RENEWAL FEES.

Proof of publication for notice of public hearing on Revisions to the Contractor Licensing Ordinance was received, having been published in The St. Augustine Record on August 26, 2002.

Stan DeAngelis, Building and Code Department, requested the Board approve a change to the licensing ordinance for contractor licensing for St. Johns County. He explained that they are updating the ordinance to make it more compatible with state laws which would entail a bi-annual license instead of licensing every year. (1:48 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2002-48, repealing Ordinance 96-51 as amended. This Ordinance defines, clarifies and regulates contractors and the business of contracting.**

ORDINANCE NO. 2002-48

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, THAT REPEALS ORDINANCE 96-51 AS AMENDED. THIS ORDINANCE ALSO DEFINES, CLARIFIES AND REGULATES CONTRACTORS AND THE BUSINESS OF CONTRACTING, ESTABLISHES A CONTRACTORS REVIEW BOARD AND DESIGNATES ITS MEMBERS AND PRESCRIBES ITS POWERS, DUTIES AND RESPONSIBILITIES; PRESCRIBES CONTRACTORS QUALIFICATIONS AND LICENSING REQUIREMENTS; PROVIDES FOR THE EXAMINATION, REGISTRATION AND LICENSING OF CONTRACTORS AND THE RENEWAL THEREOF; MAKES CERTAIN EXCEPTIONS AND EXEMPTIONS, PROVIDES FOR PAYMENT AND COLLECTION OF FEES IN CONNECTION HEREWITH; MAKES CERTAIN ACTS UNLAWFUL AND PROVIDES PENALTIES; PROVIDES FOR REVOCATION OF LICENSES, ORDERS OF RESTITUTION AND OTHER

REMEDIES; SETS FORTH ITS JURISDICTION; AND PROVIDES AN EFFECTIVE DATE.

(09/17/02 - 10 - 1:49 p.m.)

14. PUBLIC HEARING - VILANO BEACH FINDINGS OF NECESSITY. A PUBLIC HEARING IS REQUIRED TO ADOPT A RESOLUTION FOR THE FINDINGS OF NECESSITY (FON) FOR THE VILANO BEACH AREA AND TO ESTABLISH IT AS A COMMUNITY REDEVELOPMENT AREA (CRA). THE FINDINGS OF NECESSITY WERE PREVIOUSLY PRESENTED TO THE BCC IN A WORKSHOP ON JULY 23, 2002. THE COMMUNITY'S DESIRE TO MEET A SCHEDULE TO CREATE THE COMMUNITY REDEVELOPMENT AREA AND REDEVELOPMENT TRUST FUND THAT WILL ESTABLISH THE NEW TAXING DISTRICTS UTILIZING TAX INCREMENT FINANCING FOR THE 2003 TAX YEAR. TO DO SO, THE COMMUNITY REDEVELOPMENT PLANS AND THE ORDINANCES ESTABLISHING THE REDEVELOPMENT TRUST FUNDS MUST BE ADOPTED BEFORE NOV 1, 2002. ADOPTING THE FINDINGS OF NECESSITY WILL BE THE FIRST STEP TOWARD IMPLEMENTATION OF THE COMMUNITY REDEVELOPMENT AREA BY OCTOBER 22, 2002, THE LAST REGULARLY SCHEDULED BCC MEETING BEFORE NOVEMBER 1, 2002. STRATEGIC DEVELOPMENT INITIATIVES (SDI), INC. HAS PREPARED THE FINDINGS OF NECESSITY FOR VILANO BEACH AND PREVIOUSLY PREPARED THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT PLAN. SDI, INC. IS RECOGNIZED AS AN EXPERT IN THE CREATION AND OPERATION OF CRA'S. ON AUGUST 13TH, THE BCC APPROVED A CONTRACT WITH SDI TO BEGIN PREPARATION OF THE COMMUNITY REDEVELOPMENT PLANS. THE COUNTY ATTORNEY HAS PREPARED A RESOLUTION THAT WILL CREATE A NEW COMMUNITY REDEVELOPMENT AGENCY TO INCORPORATE THIS NEW COMMUNITY REDEVELOPMENT AREA.

Proof of publication of the notice of public hearing on Vilano Beach Findings of Necessity was received, having been published in the St. Augustine Record on August 12, 2002.

Scott Clem, Director of Growth Management Services, explained the resolution, which would be the first step in creating a formal CRA. There would still need to be some follow up steps and that would be coming back to the Board in October before the final implementation of the CRA. (1:53 p.m.) Kohnke objected to the inclusion of fire and transportation although she stated no objection to a CRA. (1:59 p.m.) Reardon stated mosquito control district is also included and believed it to be a good area for a CRA. (2:01 p.m.) Barrow explained that a new resolution was drafted yesterday that would create different areas. The resolution now would be accepting the findings of necessity in the consultant's reports and the need for the two different areas. (2:08 p.m.) Meiszer expressed concerns over abolishing the existing ordinance and endangering the status of the existing CRA. (2:12 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt the findings of necessity and establishing a community redevelopment area for the Vilano Beach area.**

RESOLUTION NO. 2002-184

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST JOHNS COUNTY, FLORIDA; SAID RESOLUTION BEING SUPPORTED BY DATA AND ANALYSIS; THE FINDING OF THE EXISTENCE OF SLUM AND BLIGHTED AREAS IN ST. JOHNS

COUNTY; FINDING THE NEED FOR A COMMUNITY REDEVELOPMENT AGENCY UNDER THE PROVISIONS OF CHAPTER 163, PART III, FLORIDA STATUTES; DESIGNATING AND DEFINING THE VILANO BEACH REDEVELOPMENT AREA; THE BOARD MAKING A LEGISLATIVE FINDING THAT CONDITIONS IN THE VILANO BEACH AREA MEET CRITERIA DESCRIBED IN SECTION 163.3430 (7) OR (8), FLORIDA STATUTES; ESTABLISHING THE VILANO BEACH REDEVELOPMENT AGENCY; DIRECTING THE COUNTY ADMINISTRATOR TO INITIATE PREPARATION OF A REDEVELOPMENT PLAN IN ACCORDANCE WITH CHAPTER 163, PART III, FLORIDA STATUTES, FOR THE VILANO BEACH COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE.

(09/17/02 - 11 - 2:31 p.m.)

15. PUBLIC HEARING - FLAGLER ESTATES COMMUNITY REDEVELOPMENT AGENCY FINDINGS OF NECESSITY. A PUBLIC HEARING IS REQUIRED TO ADOPT A RESOLUTION FOR THE FINDINGS OF NECESSITY (FON) FOR THE FLAGLER ESTATES AREA AND TO ESTABLISH IT AS A COMMUNITY REDEVELOPMENT AREA (CRA). THE FINDINGS OF NECESSITY WERE PREVIOUSLY PRESENTED TO THE BCC IN A WORKSHOP ON JULY 23, 2002. THE COMMUNITY'S DESIRE TO MEET A SCHEDULE TO CREATE THE COMMUNITY REDEVELOPMENT AREA AND REDEVELOPMENT TRUST FUND THAT WILL ESTABLISH THE NEW TAXING DISTRICTS UTILIZING TAX INCREMENT FINANCING FOR THE 2003 TAX YEAR. TO DO SO, THE COMMUNITY REDEVELOPMENT PLANS AND THE ORDINANCES ESTABLISHING THE REDEVELOPMENT TRUST FUNDS MUST BE ADOPTED BEFORE NOVEMBER 1, 2002. ADOPTING THESE FINDINGS OF NECESSITY WILL BE THE FIRST STEP TOWARD IMPLEMENTATION OF THE COMMUNITY REDEVELOPMENT AREA BY OCTOBER 22, 2002, THE LAST REGULARLY SCHEDULED BCC MEETING BEFORE NOVEMBER 1, 2002. STRATEGIC DEVELOPMENT INITIATIVES (SDI), INC. HAS PREPARED THE FINDINGS OF NECESSITY FOR FLAGLER ESTATES AND PREVIOUSLY PREPARED THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT PLAN. SDI, INC. IS RECOGNIZED AS AN EXPERT IN THE CREATION AND OPERATION OF CRA'S. ON AUGUST 13TH, THE BCC APPROVED A CONTRACT WITH SDI TO BEGIN PREPARATION OF THE COMMUNITY REDEVELOPMENT PLANS.

Proof of publication of the notice of public hearing on the Flagler Estates Community Redevelopment Agency Findings of Necessity was received, having been published in The St. Augustine Record on August 12, 2002.

Scott Clem, Director of Growth Management Services, presented the Flagler Estates Findings of Necessity and stated it would allow the area to continue to move forward. (2:27 p.m.) Joyce Dupont, President of Flagler Estates Civic Association, commented that the CRA is only a temporary answer to a large problem. (2:29 p.m.) Jerry Durcholz, 10405 Baylor Avenue, commented on funding for CRA and said there already is a tremendous improvement in Flagler Estates. (2:32 p.m.) Walter Smith, supervisor of Flagler Estates, stated Flagler appreciates the help it is getting and this is the only place in St Johns County where the common working people have a chance to buy property and live. (2:33 p.m.) **Motion by Meiszer, seconded by Reardon, carried 5/0, to adopt**

the Resolution for the Findings of Necessity (FON) for the Flagler Estates area and to establish it as a Community Redevelopment Area (CRA).

RESOLUTION NO. 2002-185

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; SAID RESOLUTION BEING SUPPORTED BY DATA AND ANALYSIS; THE FINDING OF THE EXISTENCE OF SLUM AND BLIGHTED AREAS IN ST. JOHNS COUNTY; FINDING THE NEED FOR A COMMUNITY REDEVELOPMENT AGENCY UNDER THE PROVISIONS OF CHAPTER 163, REDEVELOPMENT AGENCY UNDER THE PROVISIONS OF CHAPTER 163, PART III, FLORIDA STATUTES; DESIGNATING AND DEFINING THE FLAGLER ESTATES REDEVELOPMENT AREA; THE BOARD MAKING A LEGISLATIVE FINDING THAT CONDITIONS IN THE FLAGLER ESTATES AREA MEET THE CRITERIA DESCRIBED IN SECTION 163.340 (7) OR (8), FLORIDA STATUTES; ESTABLISHING THE FLAGLER ESTATES REDEVELOPMENT AGENCY; DIRECTING THE COUNTY ADMINISTRATOR TO INITIATE PREPARATION OF A REDEVELOPMENT PLAN IN ACCORDANCE WITH CHAPTER 163, PART III, FLORIDA STATUTES FOR THE FLAGLER ESTATES COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE.

(09/17/02 - 12 - 2:23 p.m.)

16. PUBLIC HEARING - PLNAPPL 2002-04 PROSPERITY BANK APPEAL. THIS IS A REQUEST TO APPEAL A DECISION OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD. THE APPLICANT, PROSPERITY BANK, APPEARED BEFORE THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD ON MAY 13, 2002 APPEALING A CONDITION THAT THE SIGN CHANGE ILLUMINATION FROM INTERNAL TO EXTERNAL THAT THE PONTE VEDRA OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE PLACED ON THEIR SIGN RE-FACING APPLICATION WHICH ORIGINALLY APPEARED BEFORE AND WAS APPROVED BY THE ARC ON FEBRUARY 13, 2002. THE SUBJECT PROJECT IS LOCATED AT 625 A1A NORTH. THIS PROJECT HAS PREVIOUSLY RECEIVED APPROVAL OF THE ORIGINAL SIGN BY THE ARC ON MAY 12, 1999, FILE NUMBER ARC-PV-99-008, FOR A 30 SQUARE FOOT MONUMENT SIGN, 8 FEET IN HEIGHT, INTERNALLY ILLUMINATED WITH AN EMBOSSED FACE MADE OF "ACRYSTEEL". THIS SIGNED ORDER OF APPROVAL FOUND THE APPLICATION IN COMPLIANCE WITH THE PONTE VEDRA OVERLAY DISTRICT AND THE PONTE VEDRA DISTRICT ZONING ORDINANCE AND WAS CONSISTENT WITH THE SITE AND OVERALL AREA. THE APPLICANT RECEIVED A DENIAL BY THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD AT THE MAY 13, 2002 HEARING AND FILED THE APPEAL TO THE DECISION WITH THE PLANNING DIVISION ON JUNE 10, 2002.

Proof of publication of the notice of public hearing on the Notice of Proposed Planning Appeal was received, having been published in the St. Augustine Record on August 30, 2002.

Danielle Mayoros, Planner II with St. John's County Planning Division, read a statement from the Chairman of the ARC and explained that Prosperity Bank appeared before the Ponte Vedra Zoning and Adjustment Board on May 13, 2002. (2:27 p.m.) Kohnke stated since 1999 ARC has changed their standards for illumination. (2:43 p.m.) Sydney Ansbacher, 780 North Ponce Deleon Boulevard, stated that this is an application for the replacement of an existing white sign with blue lettering that is thirty square feet and eight feet high; presented a visual presentation on signs in adjoining area; stated the only change is switching out from a white sign to a blue corporate sign and stated this is consistent with every other Prosperity Bank. (2:52 p.m.) Cameron Lacey, 550 Le Master Drive, Ponte Vedra Beach, thanked the Board for establishing the AIA overlay. (3:01 p.m.) **Motion by Meiszer, seconded by Kohnke, carried 5/0, to approve PLNAPPL 2002-04, Prosperity Bank Appeal.**

The meeting recessed at 3:02 p.m, and reconvened at 3:13 p.m.

(09/17/02 - 13 - 3:13 p.m.)

17. PUBLIC HEARING - REZ 2002-17 US1 REZONING (2795 HIGHWAY US1). THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.9 ACRES, LOCATED AT 2795 HIGHWAY US 1 SOUTH FROM COMMERCIAL GENERAL (CG) TO COMMERCIAL INTENSIVE (CI) FOR AN AUTOMOTIVE SALES OPERATION. THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) FUTURE LAND USE DESIGNATION. PURSUANT TO ARTICLE XI OF THE LAND DEVELOPMENT CODE (LDC), THIS PROJECT IS DETERMINED TO BE A SMALL PROJECT ESTIMATED TO GENERATE LESS THAN 4 AVERAGE PEAK HOUR TRIPS. THE PLANNING DIVISION HAS ROUTED THIS REQUEST TO ALL APPROPRIATE REVIEWING DEPARTMENTS. THERE ARE NO OUTSTANDING COMMENTS RELATED TO THE REZONING. IF THIS REZONING IS APPROVED BY THE BOARD, ALL SITE ENGINEERING, DRAINAGE AND REQUIRED INFRASTRUCTURE IMPROVEMENTS WILL BE REVIEWED PURSUANT TO THE ESTABLISHED DEVELOPMENT REVIEW PROCESS TO ENSURE THAT THE DEVELOPMENT HAS MET ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS AND PERMITTING REQUIREMENTS. NO PERMITS AUTHORIZING DEVELOPMENT SHALL BE ISSUED PRIOR TO COMPLIANCE WITH ALL APPLICABLE REGULATIONS. THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR SEPTEMBER 5, 2002 MEETING WITH A 6-0 VOTE.

Proof of publication of the notice of public hearing on the Notice of Proposed Rezoning was received, having been published in the St. Augustine Record on August 21, 2002.

Nicole Clayton, Planner II, commented on the rezoning being compatible with surrounding development; said the Planning Division has no objections to it. (3:14 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to approve Ordinance No. 2002-49, known as 2795 Highway US1, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2002-49

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF COMMERCIAL

**GENERAL (CG) TO COMMERCIAL INTENSIVE (CI);
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING AN EFFECTIVE
DATE.**

(09/17/02 - 14 - 3:16 p.m.)

- 17a. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR STONEHURST PLANTATION UNIT ONE-C (This item was removed from the Consent Agenda as Item #8 and was added to the Regular Agenda.)

Motion by Reardon, seconded by Jacalone, carried 5/0, for Final Plat approval for Julington Creek Plantation Parcels 64 and 65, Phase One to approve Final Plat Phase One.

09/17/02 - 14 - 3:17 p.m.)

4. PRESENTATION OF COUNTY ROAD 5A (OLD MOULTRIE ROAD) CAPACITY IMPROVEMENT STUDY IMPLEMENTATION PLAN BY AYRES & ASSOCIATES.

Nick Perpich, Project Engineer, commented on being on the last phase of the presentation of the County Road 5A Capacity Improvement Study. (3:18 p.m.) David Kemp and Amy Pogue presented visual display. Reardon left the meeting at 3:33 p.m. (3:45 p.m.). Perpich stated they were going to have a public meeting and each member will get a copy of the report from that meeting which would be in approximately a month.

(09/17/02 - 14 - 3:45 p.m.)

5. CONSIDER THE RECOGNITION OF UNANTICIPATED REVENUE FROM THE JEA SERVICE TERRITORY.

Joe Vonasek, Director of Management and Budget, commented on the procedural issue and stated they had to recognize the revenues. (3:47 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-187, recognizing unanticipated revenues in the amount of \$7,116.576 and appropriating them to the General Fund Capitol Outlay Reserve.**

RESOLUTION NO. 2002-187

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

(09/17/02 - 15 - 3:49 p.m.)

6. CONSIDER A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY & STATE OF FLORIDA FOR THE SR A1A MULTI PURPOSE PATH.

Vickie Renna, Principal Planner, presented information on working closely with the Department of Transportation, monitoring the design of a 6-8 ft. multi-purpose path, which is to be located on the west side of SR A1A from the north end of the Matanzas Inlet bridge to Treasure Beach Road at a cost of \$346,000. (3:54 p.m.) Joe Stephenson, Public Works Director, commented on possible liability risks and stated the

indemnification clause is standard. (3:59 p.m.) Renna answered questions from the Board; then, stated that FDOT is very safety oriented. (4:02 p.m.) Jacalone stated he hopes Board supports this today. It would be in citizen's interest. (4:05 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to adopt Resolution No. 2002-188.**

RESOLUTION NO. 2002-188

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LOCALLY FUNDED AGREEMENT FIN 210265-52-01 BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; A MEMORANDUM OF AGREEMENT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE STATE OF FLORIDA DEPARTMENT OF INSURANCE, DIVISION OF TREASURY; AND A MAINTENANCE AGREEMENT BETWEEN STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS.

(09/17/02 - 15 - 4:04 p.m.)

7. **CONSIDER A RESOLUTION DIRECTING THE REGISTRAR AND PAYING AGENT FOR THE COUNTY'S WATER & SEWER REVENUE BONDS, SERIES 1989 TO MAIL NOTICES OF REDEMPTION.**

Joe Vonasek, Director of Management and Budget requested the board adopt resolution to refund the county's outstanding Water & Sewer Revenue Bonds, Series 1989; then, stated 5.371% is current estimated value of revenue bonds. Net present value of over a million dollars in savings. (4:07 p.m.) **Motion by Reardon, seconded by Meiszer, carried 5/0, to adopt Resolution No. 2002-189.**

RESOLUTION NO. 2002-189

RESOLUTION DIRECTING THE REGISTRAR AND PAYING AGENT FOR THE OUTSTANDING ST. JOHNS COUNTY, FLORIDA WATER AND SEWER REVENUE BONDS, SERIES 1989 ALL OUTSTANDING SERIES 1989 BONDS RELATING TO THE TO MAIL A NOTICE OF REDEMPTION TO THE HOLDERS OF PROPOSED REDEMPTION OF THE OUTSTANDING NOVEMBER 20, 2002; AND PROVIDING AN EFFECTIVE DATE.

(09/17/02 - 16 - 4:05 p.m.)

8. **CONSIDER A RESOLUTION ACCEPTING FUTURE MAINTENANCE ON PUBLIC TRANSPORTATION IMPROVEMENTS WITHIN THE DEERPARK INDUSTRIAL PARK.**

John Schwab, Special Projects Manager, presented information asking the Board to adopt resolution accepting future maintenance of infrastructure constructed with Grant Monies from the Office of Tourism and Economic Development, State of Florida. (4:09 p.m.) **Motion by Reardon, seconded by Meiszer, carried 5/0, to adopt Resolution No. 2002-190, accepting future maintenance on public transportation improvements within the Deer Park Industrial Park.**

RESOLUTION NO. 2002-190

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING FUTURE MAINTENANCE AND OR IMPROVEMENTS ON INFRASTRUCTURE THAT WAS CONSTRUCTED THROUGH THE USE OF A STATE OF FLORIDA ECONOMIC DEVELOPMENT TRANSPORTATION FUNDS #01-0255A, DEERPARK INDUSTRIAL PARK AND ACKNOWLEDGING THE INFRASTRUCTURE TRANSPORTATION IS FOR USE BY THE GENERAL PUBLIC, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(09/17/02 - 16 - 4:09 p.m.)

9. CONSIDER A REQUEST TO SET A PUBLIC HEARING TO CONSIDER RESOLUTION AUTHORIZING THE SUBMITTAL OF A DEP REVOLVING LOAN AGREEMENT AND UNDERTAKING OF THE SEWER PROJECT IN THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT (PVMSD).

John Schwab, Special Projects Manager, presented information pertaining to public hearing and requested a final public hearing be set on October 30th at 5:30 p.m. (4:13 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to set a public hearing recommending the dates and place to hear testimony on service, needs, costs, funding, mechanisms, local financial impacts on the public and consider the adoption of a resolution authorizing the submittal of a Department of Environmental Protection Loan Application for the Ponte Vedra Municipal Service District Sewer Project for October 22, at 5:30 p.m.**

(09/17/02 - 16 - 4:15 p.m.)

10. CONSIDER AN APPOINTMENT TO THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL.

Motion by Kohnke, seconded by Meiszer, carried 4/1 with Reardon dissenting, to nominate Michael McLendon to the Health and Human Services Advisory Council.

(09/17/02 - 16 - 4:17p.m.)

11. CONSIDER AN APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY.

Motion by Reardon, seconded by Bryant, carried 5/0, to nominate Linda Sanders to the Industrial Development Authority.

(09/17/02 - 17 - 4:19 p.m.)

COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke reported that on June 19th she received a letter from Mr Toner regarding the joint agreement with the School Board and County and wanted to find out if attorneys could be contacted concerning Mr Toner and what his title is. Kohnke also commented on the Ponte Vedra Athletic Association concerning a function September 28 at Davis Park and this Sunday, The Friends of the Library are having a Celebration of the Library from 2-4 p.m. with clowns and food.

(4:24 p.m.)

Commissioner Reardon:

Reardon spoke on the issue with the business incentive package and said it is going to attract business here and is going to be very beneficial to St. Johns County.

(4:24 p.m.)

Commissioner Meiszer:

Meiszer referred to a letter from Julie Parker on behalf of the Sierra Club and was the one who suggested that the video that has been produced by the Sierra Club could be put on channel 3. He was told it could not be shown, as being too controversial. Meiszer asked the Board to authorize the showing of this video because section 2 of the policy or page 2 says the mission of the government channel is to communicate information to residents that deals with government, quality of life, and welfare. It deals with many issues including environmental, land use and is outlined in Parker's letter. Discussion followed on whether this should be showed on the government channel. It was the consensus of the Board, with the exception of Meiszer, for this video to not be shown on the government channel.

(4:34 p.m.)

Commissioner Jacalone:

No report.

(4:34 p.m.)

Commissioner Bryant

Bryant reported that he and Meiszer attended a meeting with the United States Department of Transportation Federal Aviation Administration at the Airport yesterday. It was a fact finding meeting and included a tour with several other government officials including Congressman John Mica and his staff and State Representative Doug Wiles.

(09/17/02 - 17 - 4:36 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(09/17/02 - 18 - 4:36 p.m.)

CLERK OF COURT'S REPORT

No report.

There being no further business to come before the Board, the meeting RECESSED at 4:36 p.m. and reconvened at 5:35 p.m. with Jacalone, Bryant, Kohnke, Reardon, Meiszer, Adams, Lopez, Strickland, MacDonald, and Deputy Clerk Lenora Newsome.

(09/17/02 - 18 - 5:35 p.m.)

18. PUBLIC HEARING - AMENDMENTS TO ARTICLE VI OF THE LAND DEVELOPMENT CODE - FINAL HEARING. THIS IS THE SECOND PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS. THE AMENDMENTS TO ARTICLE VI INCLUDE REVISIONS TO SECTION 6.04.08.D.2. PERTAINING TO

REQUIREMENTS FOR MAINTENANCE BONDS, AND REVISIONS TO SECTION 6.04.07.M. PERTAINING TO REQUIREMENTS FOR EXISTING FACILITIES. THE PROPOSED REVISIONS PERTAINING TO MAINTENANCE BONDS INCLUDE CLARIFICATION THAT ONE OF THE PURPOSES OF THE MAINTENANCE BOND IS TO GUARANTEE AGAINST DAMAGE TO ROADWAY AND DRAINAGE IMPROVEMENTS DURING THE MAINTENANCE PERIOD, WHICH IS TYPICALLY 26 MONTHS AFTER THE IMPROVEMENTS, ARE CONSTRUCTED. THE PROPOSED REVISIONS TO THE EXISTING FACILITIES SECTION OF THE CODE ARE TO ENSURE THAT NEW DEVELOPMENT ON AN EXISTING UNPAVED ROADWAY MUST CONSTRUCT A PAVED ROADWAY MEETING ALL CURRENT ROADWAY STANDARDS, INCLUDING PAVEMENT AND DRAINAGE IMPROVEMENTS. THE CURRENT CODE REQUIRES IMPROVEMENTS TO UNPAVED ROADS FOR ANY NEW SUBDIVISION RESULTING IN MORE THAN ONE ADDITIONAL LOT. FURTHER, A MINIMUM ROADWAY WIDTH OF TWENTY-TWO (22) FEET WOULD BE REQUIRED FOR DEVELOPMENT ON AN EXISTING PAVED COLLECTOR ROAD, WHILE EIGHTEEN (18) FEET IS REQUIRED FOR DEVELOPMENT ON AN EXISTING PAVED LOCAL ROAD

Proof of publication of notice of public hearing on File No. CPA-(SS) 2002-02 Pellicer Pointe, was received having been published in *The St. Augustine Record* on August 22, 2002.

Scott Clem, Director of Growth Management Services, stated this is the second public hearing to consider proposed amendments to the St. Johns County Land Development Code, Article VI - Design Standards and Improvement Requirements. **Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2002-50, amending Article VI of the Land Development Code.**

ORDINANCE NO. 2002-50

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING, ADDING AND REPEALING SECTIONS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE NO. 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE VI, DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS, SPECIFICALLY REVISING SUBSECTION 6.04.08.D.2 PERTAINING TO REQUIREMENTS FOR MAINTENANCE BONDS, REVISING SUBSECTION 6.04.07.M PERTAINING TO REQUIREMENTS FOR EXISTING FACILITIES, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

(09/17/02 - 19 - 5:37 p.m.)

19. PUBLIC HEARING - RUSTY ANCHOR/WENDOVER ROAD ASSESSEMENT. ON MAY 14, 2002 THE BOARD DIRECTED THAT THIS MSBU BE BROUGHT BACK AFTER BID PRICES HAD BEEN RECEIVED FROM PRIVATE SERVICE PROVIDERS FOR THE SAME SCOPE OF WORK, INCORPORATING ADVICE AND RECOMMENDATIONS FROM THE MSBU WORKSHOP. THIS AGENDA PACKAGE CONTAINS THOSE ESTIMATES AND A FINAL ROAD ASSESSMENT RESOLUTION, WHICH INCORPORATES WORKSHOP RECOMMENDATIONS

Proof of publication of notice of public hearing to impose and provide for collection of non-ad valorem assessments of Rusty Anchor/Wendover Road, was received having been published in *The St. Augustine Record* on August 28, 2002.

Joe Stephenson, Public Works Director, reviewed Items #19 and #20, utilizing visual display. He reviewed the MSBU Creation Final Road Assessment Resolution, Recent Activity, Annual Review, Future Maintenance, May 14th Direction to Staff, Bid Prices, Comparison/Analysis, Recommendation, and the Road and Bridge Department Estimates of Rusty Anchor/Wendover Roads and CH Arnold Road. Discussion followed on the condition of the roads, the annual fees, and the improvements that are going to be done to the roads.

(5:49 p.m.) Meiszer mentioned that he had a fax from Mike Hulahan, 7885 Rusty Anchor Road, stating that he was unable to attend the meeting tonight, but that he was in favor of the road improvement.

(5:49 p.m.) Lee Davis, 8137 Wendover Road, stated that he doesn't like walking through the mud to the bus line for school.

(5:50 p.m.) Tim Davis, 8137 Wendover Road, spoke in favor of the road improvement.

(5:51 p.m.) Wayne Whitehead, 7910 Rusty Anchor Road, spoke in favor of the road improvement.

(5:51 p.m.) Jon Ahrens, 1788 Rusty Anchor Road, spoke in favor of the road improvement. **Motion by Reardon, seconded by Kohnke, carried 5/0, to accept the County Road and Bridge Estimate as the best value for the Rusty Anchor/Wendover Benefit Area, modify the Initial Road Assessment Resolution with this Final Resolution through amendments if necessary, adopt the Rusty Anchor/Wendover Final Road Assessment Resolution to create the MSBU, to better the community for public safety.**

RESOLUTION NO. 2002-191

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND THE CONSTRUCTION OF ROAD IMPROVEMENTS DEEMED NECESSARY TO PROVIDE SUCH ROAD GRADING AND MAINTENANCE SERVICE; CREATING THE RUSTY ANCHOR/WENDOVER RD. MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; AMENDING AND CONFIRMING THE INITIAL ROAD ASSESSMENT RESOLUTION; ESTABLISHING FOR EACH RESIDENTIAL UNIT ROAD MAINTENANCE ASSESSMENT FOR THE CURRENT FISCAL YEAR AND THE MAXIMUM AMOUNT OF THE ANNUAL ROAD IMPROVEMENT ASSESSMENT TO BE IMPOSED FOR A PERIOD OF FIFTEEN YEARS; IMPOSING ROAD ASSESSMENTS AGAINST PROPERTY WITHIN THE RUSTY ANCHOR/WENDOVER ROAD MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; APPROVING THE ROAD ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ROAD ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE

(09/17/02 - 20 - 5:53 p.m.)

20. PUBLIC HEARING - CH ARNOLD ROAD FINAL ROAD ASSESSMENT. ON MAY 14, 2002 THE BOARD DIRECTED THAT THIS MSBU BE BROUGHT BACK AFTER BID PRICES HAD BEEN RECEIVED FROM PRIVATE SERVICE PROVIDERS FOR THE SAME SCOPE OF WORK AND INCORPORATING ADVICE AND RECOMMENDATIONS FROM THE MSBU WORKSHOP. THIS AGENDA PACKAGE CONTAINS THOSE ESTIMATES AND A FINAL ROAD ASSESSMENT RESOLUTION, WHICH INCORPORATES WORKSHOP RECOMMENDATIONS

Proof of publication of notice of public hearing to impose and provide for collection of non-ad valorem assessments of CH Arnold Road, was received having been published in *The St. Augustine Record* on August 28, 2002.

Stephenson reviewed this item stating that it was based on 47 assessment units. He mentioned having three people state that they would like to appeal to the Board as hardship cases to be relieved of this assessment. Kohnke questioned if the other people are willing to pick up the bill for the hardship cases. Stephenson responded that he believed that it had not been discussed in detail, but there was an understanding that if any of them didn't pay, then the remainder of the money had to come from those who did pay.

(5:56 p.m.) Michael Akers, 2580 C.H. Arnold Road, spoke in favor of the road improvement.

(5:57 p.m.) Lenoma MacKay, 2590 C.H. Arnold Road, spoke in favor of the road improvement and read a letter from one of the neighbors who couldn't make it, Walter and Beth Masters, who spoke in favor of the road improvement.

(5:59 p.m.) Robert MacKay, 2590 C.H. Arnold Road, spoke in favor of the road improvement.

(6:01 p.m.) Michael Davis, 2651 C.H. Arnold Road, spoke in favor of the road improvement.

(6:02 p.m.) Vickie Andrews, 2600 C.H. Arnold Road, spoke in favor of the road improvement.

(6:03 p.m.) John Cicalese, 2401 C.H. Arnold Road, spoke in favor of the road improvement, questioned how the driveway culverts would be fixed and how the sod would be done. Stephenson responded to the question about the culverts and explained how the sod would be done.

(6:07 p.m.) David Voeks, 2441 C.H. Arnold, spoke on hardship and being assessed for one parcel instead of two. He spoke in favor of improvement of the road. Lengthy discussion followed on considering the hardship cases, how much each unit will owe if they cover the hardship cases, determining the criteria of a hardship case, if everyone knows that their assessment will go up to cover hardship cases on their road, the County not being allowed to cover any amount of the assessment, and what would happen if someone claiming a hardship case moves. Jacalone relayed how he feels about the hardship situation. Kohnke stated that the County shouldn't get involved in the hardship cases. Meiszer mentioned a solution regarding a lien mechanism.

(6:28 p.m.) Bob Kulpa, 2461 C.H. Arnold Road, spoke in opposition of the MSBU, but stated that something needed to be done with the road. (6:36 p.m.) Strickland left the meeting.

The meeting recessed at 6:40 p.m. and reconvened at 6:46 p.m.

(6:47 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to accept the County Road and Bridge Estimate as the best value for the C.H. Arnold Benefit Area, modify the Initial Road Assessment Resolution with this Final Resolution through amendments if necessary, adopt the C.H. Arnold Final Road Assessment Resolution to create the MSBU, based on 47 units.**

Stephenson relayed compliments to everyone involved.

RESOLUTION NO. 2002-192

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND THE CONSTRUCTION OF ROAD IMPROVEMENTS DEEMED NECESSARY TO PROVIDE SUCH ROAD GRADING AND MAINTENANCE SERVICE; CREATING THE CH ARNOLD ROAD MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; AMENDING AND CONFIRMING THE INITIAL ROAD ASSESSMENT RESOLUTION; ESTABLISHING FOR EACH RESIDENTIAL UNIT ROAD MAINTENANCE ASSESSMENT FOR THE CURRENT FISCAL YEAR AND THE MAXIMUM AMOUNT OF THE ANNUAL ROAD IMPROVEMENT ASSESSMENT TO BE IMPOSED FOR A PERIOD OF FIFTEEN YEARS; IMPOSING ROAD ASSESSMENTS AGAINST PROPERTY WITHIN THE CH ARNOLD ROAD MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; APPROVING THE ROAD ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ROAD ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE

(6:48 p.m.) Tom Crawford, Director of Housing and Community Services, spoke on having a request from the Florida Low Income Housing Associates, which is in the process of developing a PUD known as Northridge Lakes PUD off of Woodlawn, to set a special meeting for the Commissioners to meet on October 4, 2002 at 9:00 a.m. Discussion followed on the meeting date, why this meeting was being scheduled at the last minute, and the Commissioners not having any information on this project. The Board decided not to schedule a date.

(6:58 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to adjourn the meeting.** There being no further business to come before the Board, the meeting adjourned at 6:58 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #323936 through #323945, August 30, 2002.

2. St. Johns Board of County Commissioners Check Register, Check #323946 through #323949, August 30, 2002.
3. St. Johns Board of County Commissioners Check Register, Check #323950 through #324196, September 3, 2002.
4. St. Johns Board of County Commissioners Check Register, Check #324197 through #324198, September 4, 2002.
5. St. Johns Board of County Commissioners Check Register, Check #324199 through #324218, September 6, 2002.

CORRESPONDENCE:

1. Letter dated September 10, 2002, to Liz Cloud, Chief, Bureau of Administrative Code regarding filing St. Johns County Ordinance Number 2002-45.
2. Letter dated September 13, 2002, to Misty Pearson, Bureau of Administrative Code regarding scrivener's error on Ordinance No. 2002-27.
3. Letter dated August 22, 2002, from Liz Cloud, Chief, Bureau of Administrative Code acknowledging receipt and filing of certified copies of Ordinance Nos. 2002-43 and 2002-44.
4. Letter dated September 11, 2002, from Liz Cloud, Chief, Bureau of Administrative Code acknowledging receipt and filing of certified copy of Ordinance No. 2002-45.

Approved October 1, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Joanne King
Deputy Clerk