

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 10, 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
Karen R. Stern, District 2, Vice Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
Bruce A. Maguire, District 4
Ben W. Adams, Jr., County Administrator
Michael Hunt, Assistant County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(12/10/02 - 1 - 9:08 a.m.)

The meeting was called to order by Chair Bryant.

(12/10/02 - 1 - 9:09 a.m.)

Bryant gave the Invocation and Meiszer led the Pledge of Allegiance.

(12/10/02 - 1 - 9:09 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(12/10/02 - 1 - 9:09 a.m.)

Robert Marshall, Vice-Chair of the Builders Council, presented an Excellence in Leadership Award to Ben Adams from the Builders Association for all his services to help them through the year. Adams accepted the award on behalf of the dedicated employees who helped.

(12/10/02 - 1 - 9:12 a.m.)

PUBLIC COMMENT

Bill Marks, 125 Woodlands Creek Drive, Ponte Vedra, voiced concern on the placement of signage in Palm Valley and stated that he objected to the signs. Discussion followed by the Commissioners on signs.

(9:19 a.m.) Gene Bartels, 409 E. Woodhaven Drive, Ponte Vedra, spoke on signage in Palm Valley.

(9:19 a.m.) David Ritchie, 167 Woodlands Creek Drive, Ponte Vedra, representing the residents of the Woodland West Association, spoke on signage in Palm Valley. He provided a copy of his remarks. (Exhibit A)

(9:24 a.m.) Mary Kohnke, 29 South Roscoe, spoke on CR 210, parking on Ponte Vedra Blvd., and signage in Palm Valley.

(9:31 a.m.) Clara Cowan, 244 Patrick Mill Circle, voiced concern on putting a road through Guana.

(9:33 a.m.) Walter Rohrer, 2315 Clubview Court, spoke against building a high school or a road in Guana.

(9:34 a.m.) Marcie Silkenbaken, 1145 Neck Road, Ponte Vedra, commented on the recent discussions concerning construction of a four lane road and a high school within the northern boundaries of the Guana Preserves. Stern questioned setting a date with the School Board for a joint meeting. Adams replied that the meeting will be sometime in January because he was waiting to hear from Toner.

(9:39 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on The Florida Forever Acquisition Restoration Council approving the St. Johns River Blueway as a Class A CARL Project, commented on four laning CR 210, and spoke on using funds for building roads.

(9:43 a.m.) Edmand Paul, 217 Settlers Row, Ponte Vedra, spoke on not using Guana for a site for the high school. Jacalone suggested having a workshop sometime in January on what the Board intended to do on the east end of the Palm Valley Bridge. Discussion followed on having a workshop.

(12/10/02 - 2 - 9:47 a.m.)

DELETIONS TO CONSENT AGENDA

Hunt requested to pull Item 5 from the Agenda because the title opinion had not been received on that item.

(12/10/02 - 2 - 9:47 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Sheriff's Bonds:
Approve: Jodie M. Walker
Cancel: Matthew Laxton
3. Motion to approve the 2003 Holiday Schedule
4. Motion to adopt **Resolution No. 2002-265**, approving a Final Plat for Julington Creek Plantation Parcel 56, Phase 2, Parcel 58

RESOLUTION NO. 2002-265

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 56 PHASE 2 AND PARCEL 58

5. Motion to adopt a Resolution approving a Final Plat for Julington Creek Parcel 81, Phase 2

This item was pulled from the Agenda.

6. Motion to authorize the Chairman to sign the agreement with the Cultural Center at Ponte Vedra Beach, Inc.
7. Motion to approve the transfer of \$23, 758.50 from General Fund Reserves (0083-59920) to Judicial Maintenance (3310-56301) for final payment of invoices from Signs Now, related to the exterior package at the Lewis Speedway Campus

(12/10/02 - 3 - 9:48 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested to move Items 12, 13, 14, 15, and 16 from the afternoon to the end of the morning. After discussion by the Commissioners, he withdrew his request. Hunt requested to add the discussion of an Emergency Ordinance relating to signs as Item 6A.

(12/10/02 - 3 - 9:49 a.m.)

APPROVAL OF REGULAR AGENDA

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

(12/10/02 - 3 - 9:50 a.m.)

1. PRESENTATION ON THE STATUS OF THE SR A1A PROJECT DEVELOPMENT AND ENVIRONMENTAL STUDY

Jim Parks gave an update on the SR A1A Project Development and Environmental Study utilizing a power point presentation. He stated that the cost of the project would be approximately \$10.6 million and the estimate does not include cost for ponds or wetland mitigation, which would have to be done during the designing phase. The design year is 2002-2003, and construction would start in the 2006-2007 fiscal year.

(12/10/02 - 3 - 9:54 a.m.)

2. UPDATE ON USE OF THE COASTAL COMMUNITY CENTER

Cathy Brown gave an update on the use of the Coastal Community Center. She handed out information (Exhibit "A") on elder profiles in St. Johns County and showed a video (Exhibit "B") relating to the Coastal Community Center. She is asking for a fire suppression system for the center and asked for the Board's consideration for the rent already paid, and as a credit back to them, up to \$45,000, to go towards the fire suppression system. Discussion followed on Brown's requests, other entities helping out and the safety issue. Bryant suggested checking with the City on them helping and then bringing it back before the Board. Maguire suggested requesting a meeting with the City to discuss concerns on safety. Adams stated that he is going to have a meeting with the City Manager to bring him up to date on the situation. Brown announced that they would be having their 30th anniversary dinner on January 24, and invited the Board to come.

(12/10/02 - 3 - 10:20 a.m.)

3. OVERVIEW OF THE ST. JOHNS COUNTY TRANSPORTATION DISADVANTAGED (TD) PROGRAM

Stephen Jones, AICP, Senior Regional Planner Northeast Florida Regional Planning Council, gave an overview of the St. Johns County Transportation Disadvantaged Program, utilizing visual display with a power point presentation, including Multi-County Coordinators, Local Coordination Boards, Designated Official Planning Agencies, Transportation Operators and Purchasing Agencies. (10:24 a.m.) Hunt left the meeting and returned at 10:36 a.m. Jones further reviewed expenses and revenues. (10:46 a.m.) Strickland and Hunt left the meeting.

The meeting recessed at 10:46 a.m. and reconvened at 10:53 a.m.

(12/10/02 - 4 - 10:53 a.m.)

4. REQUEST FOR DIRECTION ON THE DEVELOPMENT OF A BEACH MANAGEMENT PLAN FOR ST. JOHNS COUNTY

Dave Williams, Aquatics Superintendent, presented a proposed Beach Management Plan (Exhibit A) for St. Johns County. (10:56 a.m.) Hunt returned to the meeting. Williams stated that they needed direction as to whether the plan would be adequate. He stated that this plan is intended to provide for the efficient and effective administration of the coastline under the jurisdiction of St. Johns County and additionally addresses short-term and long-range goals with a methodology to achieve the stated goals. Discussion followed on the dredging project, stationing lifeguards along the newly created beach, Pope Road parking lot, who drafted the plan and when, and beach access points.

(11:12 a.m.) Martin Miller, 29 Hildreth Drive, United Beach Lovers Association, spoke on uses of the beaches.

(11:18 a.m.) Walter McWilliams, 421 Porpoise Point Drive, spoke on needing better protection on the beach, and needing more law enforcement on the beach.

(11:21 a.m.) James Abbott, 8376 A1A South, spoke on burying recyclable items littering the beach.

(11:23 a.m.) Stern read an e-mail from Jerry Delany (Exhibit B) into the record relating to the beach. Adams suggested the date of February 4, to bring the draft back to the Board for their comments. The Board agreed on that date.

(12/10/02 - 4 - 11:24 a.m.)

5. DISCUSSION ON PONTE VEDRA BOULEVARD (COUNTY ROAD 203); PROPERTY OWNERSHIP AND PARKING

Joe Stephenson, Public Works Director, reviewed the issues about beach access, property ownership and parking on Ponte Vedra Blvd. He stated that there were three elements; who owns the property on the road, who owns the beach accesses and who owns a 34-foot utility strip along Ponte Vedra Blvd. Hunt addressed property ownership and discussion followed on it.

(11:38 a.m.) Martin Miller, 29 Hildreth Drive, spoke on the land in question, and the ownership being in limbo.

(11:43 a.m.) Bryant questioned the classification of A1A. Stephenson responded that SR A1A is an arterial roadway and Ponte Vedra Blvd. is a major collector. He stated that on current Ordinances, there isn't anything that prohibits parking on county road rights-of-way.

(11:44 a.m.) Jeb Branham, 774 14th Avenue South, Officer of Surf Rider of Jacksonville, stated that he had campaigned for opening public accesses along Ponte Vedra Blvd. and asked that the Board study this issue before making any decisions.

(11:48 a.m.) Eddie Le Master, 135 Ponte Vedra Blvd., addressed the easement for utilities along Miranda Road and Corona Road. He feels that the access points are for neighborhood access. There is ample parking at Mickler Landing and he objects to parking along Ponte Vedra Blvd.

(11:54 a.m.) Mark Arnold, 512 Ponte Veda Blvd., attorney representing Ponte Vedra Corp., stated that when the plats were recorded, parking was not an issue as you could drive along the sand to get to the beaches. He referenced the Beach Access Plan that suggested a tiered approach. He asked that a committee be formed to study this issue.

(12:02 p.m.) Scott Shine, 4390 Richmond Park Drive, Chairman of the Surf Rider Foundation of Jacksonville, discussed the 34 feet between Miranda Road and Corona Road. He also addressed access and parking along Ponte Vedra Blvd.

(12:05 p.m.) Carl Bloesing, 12 La Vista Drive, President of the Ponte Vedra Community Association, spoke in opposition to parking on Ponte Vedra Blvd.

(12:07 p.m.) James Davis, 121 Surfside Avenue, spoke in favor of parking on Ponte Vedra Blvd.

(12:08 p.m.) Burgess Autrey, 410 Second Street, spoke in favor of parking on Ponte Vedra Blvd.

(12:10 p.m.) Irene Lombardo, 1133 Salt Creek Drive, Ponte Vedra Beach, spoke in favor of parking on Ponte Vedra Blvd. and read a letter written by her. (Exhibit "B")

(12:13 p.m.) Daniel MacDonald, 24501 Deer Trace Drive, spoke in favor of parking on Ponte Vedra Blvd.

(12:18 p.m.) Stern read into the record an e-mail (Exhibit "C") from Beach Lovers of America, who spoke in favor of parking on Ponte Vedra Blvd.

(12:21 p.m.) Dante Salamone, 5225 Datil Pepper Road, spoke on beach access and safety.

(12:24 p.m.) Bryant mentioned that they needed to give Staff direction on which way to proceed. Jacalone suggested that the ownership of the right-of-way along Ponte Vedra Blvd. issue needed to be resolved before deciding the parking issue. He recommended considering limited parking, or no parking, along Ponte Vedra Blvd. for safety reasons and stated that they can do it, not by giving up right-of-way, but by Ordinance. Hunt stated that the easement does not cover the entire 34 feet, but as it relates to the ownership issue, prior to September 1971, there is a dedication, a language on a plat that says it is dedicated for public purpose. He mentioned that they don't have all the legal information, so they need further direction. Maguire commented on the Board being hit to open up as much beach assess as possible. (12:33 p.m.) Motion by Meiszer that the legal department be directed to take whatever action is, in their opinion, appropriate to result in clear title to this right-of-way and the easement for the County to include negotiating or legal action and that at least that issue should be resolved. Motion failed for lack of a second. (12:37 p.m.) Jacalone asked for a chronological history from the County Attorney's Office regarding the 34 feet. (12:38 p.m.) Hunt stated that he would present a chronological history and offer options. Maguire

mentioned showing pros and cons of the options. Hunt will return sometime in January with the requested information.

(12:40 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to move the remaining items on the Morning Agenda to the afternoon.**

(12/10/02 - 6 - 12:40 p.m.)

6. CONSIDER A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT AUTHORIZING THE PURCHASE AND USE OF DRAINAGE FACILITIES AND APPROVING A GRANT OF EASEMENT AND COVENANTS IN CONNECTION WITH THE RACETRACK ROAD WIDENING PROJECT

This item was moved to the afternoon. (See below)

(12/10/02 - 6 - 12:40 p.m.)

- 6A. EMERGENCY ORDINANCE RELATING TO SIGNS

This item was moved to the afternoon. (See page 20)

(12/10/02 - 6 - 12:40 p.m.)

REPORTS

All Reports were moved to the Afternoon Session. (See pages 21 and 22)

The meeting recessed at 12:40 p.m. and reconvened at 1:40 p.m. with Bryant, Stern, Jacalone, Meiszer, Maguire, Adams, Hunt and Cecelia Aldrich, Clerk, present.

(12/10/02 - 6 - 1:41 p.m.)

6. CONSIDER A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT AUTHORIZING THE PURCHASE AND USE OF DRAINAGE FACILITIES AND APPROVING A GRANT OF EASEMENT AND COVENANTS IN CONNECTION WITH THE RACETRACK ROAD WIDENING PROJECT

Joe Stephenson, Public Works Director, reported they were in the final stages of design of the four-laning of a section of Racetrack Road. He stated that an agreement had been made with the developer of Julington Creek Plantation for an easement, to use retention ponds for drainage. He said they would be planting some oak trees. (1:43 p.m.) Jacalone asked questions about the high cost of the project and what retention typically costs. Stephenson said it was not unusual for retention costs to equal 10-15% of the total construction cost. There was discussion about the use, ownership and maintenance of the retention pond. Stephenson stated that the latest Julington Creek Plantation Development Order (DO) included 1.8 million dollars provided by the developer (to the County) for roadway improvements associated with the development. He noted the County could use that money for either four-laning Racetrack Road or improving Russell Sampson Road. He further stated that the County decided to undertake Racetrack Road and use that money toward the approximate cost of four million dollars. (1:49 p.m.) Maryann Blount, Real Estate Manager, clarified that the County is buying the easement rights and the owner is left with ownership and maintenance of the pond. She explained the cost was arrived at by calculating the worth of the land; evaluating the 4.2 acres which could have been platted into 19 lots. (1:50 p.m.) Jan Down from D.R. Horton, 9456 Phillips Highway, Jacksonville, said the maximum depth of the pond is about 16 feet and explained that the company that dug the pond took possession of the dirt. (1:53 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0**

to adopt Resolution No. 2002-266 approving the terms and conditions of an Agreement authorizing the use of drainage facilities and approving a Grant of Easement and Covenants in connection with the Racetrack Road Widening Project.

RESOLUTION NO. 2002-266

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT AUTHORIZING THE PURCHASE AND USE OF CERTAIN DRAINAGE FACILITIES AND APPROVING A GRANT OF EASEMENT AND COVENANTS IN CONNECTION WITH THE RACETRACK ROAD WIDENING PROJECT

(1:53 p.m.) Bryant indicated there was a housecleaning item, relating to Ponte Vedra Boulevard, Agenda Item #5, which may necessitate giving direction to legal. Stephenson noted that the Ponte Vedra Zoning Adjustment Board had adopted a modification prohibiting parking on all major collectors in that overlay district, including Ponte Vedra Boulevard. (1:55 p.m.) Jacalone suggested that the Board direct legal to draft an Ordinance. (1:55 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/1, with Meiszer dissenting, to direct the Attorneys' Office to draft an Ordinance prohibiting parking along Ponte Vedra Boulevard.**

(1:56 p.m.) Hunt left the meeting and Lopez arrived.

(12/10/02 - 7 - 1:56 p.m.)

7. PUBLIC HEARING - REZ 2002-24 FOURTH STREET/VILANO REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 2 ACRES, LOCATED AT 3039 FOURTH STREET FROM COMMERCIAL HIGHWAY AND TOURIST (CHT) TO RESIDENTIAL SINGLE FAMILY (RS-3) FOR RESIDENTIAL SINGLE FAMILY DEVELOPMENT AND TO BRING THE ZONING INTO CONFORMANCE WITH THE CONSERVATION FUTURE LAND USE DESIGNATION. THE PROJECT IS EXEMPT FROM CONCURRENCY PURSUANT TO SECTION 11.08.04 OF THE LAND DEVELOPMENT CODE

Proof of Publication was received regarding the Notice of Public Hearing on proposed rezoning REZ 2002-24 - Fourth Street/Vilano, having been published in *The St. Augustine Record* on November 25, 2002.

Nicole Clayton, Planner II, explained the request was for approximately two acres located within the Conservation Designation of the Future Land Use Map and consisted of six platted lots. She noted considerable wetlands (Exhibit A) and located the property on the overhead. She noted the applicant would be required to conduct a reconnaissance study to be sent to the state before any homes could be built. Clayton said the Planning & Zoning Agency (PZA) heard the request at its November 7th meeting. The minutes have been submitted to the Board (Exhibit B). She said the PZA denied the request due to failure in motions; a technical denial based on Roberts Rules of Orders. She also noted that she submitted a copy of an Adjacent Property Owner Response Form (Exhibit C). (1:59 p.m.) Discussion followed on use of the property, what is allowed under current zoning and what would be allowed if the zoning is changed to Residential. It was noted that most of the area is zoned residential.

(2:05 p.m.) Gary Davenport, 3266 Pacetti Road, representing the applicant and owner, referred to the lots on the overhead (Exhibit D) and gave background information on

the property. He stated the proposed use is consistent with the rest of the neighborhood. He explained that the property was part of an estate. He stated that there was a dispute over ownership and a court order was issued stating Walter Girvin was the owner. Davenport said a Quitclaim Deed was used to support the court order. He noted it is a valuable piece of property, the owner would like to sell it and a developer would have to go through all proper channels to build.

(2:10 p.m.) James Davis, 121 Surfside Avenue, announced that he was in opposition to the change. He expressed his concern about the environment in this area and noted the rare growth of Black Mangrove trees. Davis noted he had a petition with about 100 names (Exhibit E) and asked the Board to wait on making a decision. The petition asks the Board to amend the St. Johns County Comprehensive Plan and the Future Land Use Map.

(2:14 p.m.) Ric DeVere, 157 Sherwood Avenue, stated that he was opposed to the zoning change. DeVere referred to the overhead and used some aerial photos (Exhibit F) to indicate location, wetlands and a stand of Black Mangrove trees, rarely found this far north. He noted the oak trees would have to be cut down to develop and if the zoning is changed the property would not be subject to the tree removal requirements.

(2:20 p.m.) Vivian Juenemann, 180 Meadow Ave., introduced herself as an adjacent property owner and stated she is opposed to rezoning or development of this piece of property.

(2:20 p.m.) Douglas Speed, 215 S. Ocean Grande Dr., noted that he had just visited this property and there was very little usable land. He said he was present to represent the North Florida Land Trust, an organization that buys property and secures permanent conservation easements. He explained they were brought into this very late, but would like the opportunity to work with the current owner and the developer to see if they could buy the property. He noted they had just recently completed this type of purchase and asked the Board to postpone making a decision until someone from the Trust could talk with the owner about acquiring this land. (2:23 p.m.) There was discussion with Speed about the North Florida Land Trust and its capability to purchase the property.

(2:26 p.m.) Priscilla Davis, 165 Meadow Avenue, stated that she has lived on the property for 20 years. She showed a series of photographs (Exhibit G). She described how the area has changed over time and talked about the lack of maintenance on a bulkhead that was built. She noted that this is one of the only spots from Jacksonville to here that has an unencumbered view of the Tolomato River.

(2:35 p.m.) A neighbor, also a resident of Vilano Beach, read a statement for Peggy Stauffer, 186 Surfside Avenue. She read that Stauffer's mother had the property rezoned in the 1970's to protect it from development. Stauffer's family owned this property from the late 1920's until the mother's death in 1997. She said a cousin has since obtained it and litigation may be necessary to stop any development. Stauffer's husband had met with environmental groups, DEA and the Army Corps of Engineers and they understood nothing would be permitted on this property. It was to be kept in its natural state for the public's pleasure and she thought it was a gift for the people of Vilano Beach. The letter asked that the Board deny the request or delay its decision.

(2:37 p.m.) Stern stated that there were no more speaker requests, but there were two letters to read. The first letter (Exhibit H) from Jack & Carol Driskol, 152 Surfside, requested that the Board vote no on the re-zoning and also acquire the land for recreation/conservation purposes. (2:38 p.m.) Stern read the second letter (Exhibit I)

from Douglas C. Crane, Jr., 3105 4th St., which was in favor of the zoning change. (2:42 p.m.) **Motion by Meiszer, second by Maguire, carried 4/1, with Jacalone dissenting, to continue this to the next meeting, Tuesday, December 17th, in order to give the North Florida Land Trust time to investigate whether they can acquire it and keep it from any kind of development.** (2:44 p.m.) For future reference, Jacalone asked that all correspondence become part of the record, but not read at the meetings. Bryant requested he put it in writing.

(12/10/02 - 9 - 2:45 p.m.)

8. PUBLIC HEARING - NZVAR 02-0016 BECK/KELLY ROAD. THIS IS A REQUEST FOR A NON-ZONING VARIANCE TO THE PLATTING (SECTION 5.01.01.C) AND ROADWAY DESIGN (SECTION 6.04.07) REQUIREMENTS OF THE LAND DEVELOPMENT CODE (LDC).THE APPLICANT (HOWARD KENNERLY, SR.) ORIGINALLY OWNED APPROXIMATELY 21 ACRES AT THE SOUTHEAST CORNER OF KELLY AND D. BECK ROADS. HIS DESIRE IS TO DIVIDE THE PROPERTY INTO SIX PARCELS FOR HIS CHILDREN AND GRANDCHILDREN. CURRENTLY, HIS FAMILY MEMBERS OCCUPY HOMES ON FOUR OF THE PROPOSED SIX PARCELS. THE PROPERTY IS LOCATED IN A FUTURE LAND USE MAP DESIGNATION OF AGRICULTURAL INTENSIVE (AI) AND FAMILY FARM AFFIDAVITS HAVE BEEN SUBMITTED FOR EACH RESIDENCE. A SIXTY-FOOT WIDE EASEMENT HAS BEEN PROVIDED TO ALL SIX PARCELS. SECTION 5.01.01.C OF THE LDC REQUIRES PLATTING FOR DIVISION OF PROPERTY RESULTING IN MORE THAN TWO LOTS. SECTION 6.04.07 OF THE LDC REQUIRES THAT ACCESS TO MORE THAN 2 RESIDENTIAL UNITS BE PAVED TO CURRENT LOCAL ROAD STANDARDS. ALTHOUGH STAFF CANNOT RECOMMEND APPROVAL BASED ON THE REQUIREMENTS OF THE LDC, STAFF HAS NO OTHER OBJECTIONS

Proof of Publication was received regarding the Notice of Public Hearing on proposed non-zoning variance NZVAR 02-0016 - Beck/Kelly Road, having been published in *The St. Augustine Record* on November 25, 2002.

Darrell M. Locklear, Development Review Engineering Manager, gave background on the property ownership. He explained that there is presently one parcel with several family members occupying portions of the property.

(2:47 p.m.) Bryant asked Lopez for input regarding family land divisions. She noted that the permit must be pulled by a family member, but beyond that it is difficult to follow up. Discussion followed about the four units presently on the parcel. (2:49 p.m.) Kathy Neilson, Applications Review Coordinator, stated that multiple units can be put on a parcel as long as a family member files a Family Farm Affidavit.

(2:50 p.m.) Howard Ketterly, representing his father, explained that his father desired to divide the property so he could sell his portion to resolve debts.

(2:52 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to approve NZVAR 2002-0016, based upon the evidence provided in the Five Findings within the packet.**

(2:52 p.m.) Bryant called a five-minute break.

(3:04 p.m.) *Bryant stated that both parties to Agenda Items #9 and #10 have agreed to allow Agenda Item #11 to be heard before Agenda Items #9 and #10.*

(12/10/02 - 10 - 3:17 p.m.)

9. PUBLIC HEARING - ADOPTION HEARING FOR COMPREHENSIVE PLAN AMENDMENT CPA 2002-001, AS PROPOSED CONCURRENT WITH THE WORLD COMMERCE CENTER. THIS IS A REQUEST TO AMEND THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP FOR THE WORLD COMMERCE CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI). THE SUBJECT PROPERTY IS LOCATED AT I-95, INTERNATIONAL GOLF PARKWAY, SR 16 AND SOUTH FRANCIS ROAD WITHIN THE NORTHWEST PORTION OF THE COUNTY. AT BUILD OUT, THE WORLD COMMERCE CENTER DRI PROPOSES 908,800 SQUARE FEET OF RETAIL SERVICE, 2,192,800 SQUARE FEET OF OFFICE, 1,156 RESIDENTIAL UNITS, 1000 HOTEL ROOMS, AND 405,900 SQUARE FEET OF INDUSTRIAL. THE PROPOSED FUTURE LAND USE MAP AMENDMENT APPLIES TO APPROXIMATELY 364 ACRES OF LAND. THE DRI ENCOMPASSES APPROXIMATELY 966 ACRES OF LAND

Proof of Publication was received regarding the Notice of Public Hearing on request to amend the Comprehensive Plan and Future Land Use Map for World Commerce Center Development, having been published in *The St. Augustine Record* on October 12, 2002.

Teresa Bishop, Planning Director, suggested that Items #9 and #10 be heard together for presentation purposes. (3:18 p.m.) The members of the Board concurred and noted that they would make two separate motions. As required by the Department of Community Affairs (DCA), Bishop noted that there was a Public Courtesy Form at the back of the room for anyone who wanted to be notified when the Notice of Intent is issued. She continued that the Comprehensive Plan Amendment and the Development of Regional Impact (DRI) were submitted concurrently. She noted that there were several handouts, an email dated December 10, 2002 from George McClure, with an attached transportation improvement section (Exhibit A), and two maps (already in packet). She explained the property is located in the northwest part of the county and the Plan Amendment encompasses about 364 acres. Bishop noted that the entire DRI encompasses approximately 966 acres. She reported the proposed square footage statistics for the World Commerce Center, in addition to the hotel rooms and planned residential units. She stated the DRI has a projected buildout of 2017. She provided a summary of the impacts of the Plan Amendment. She noted the applicant is proposing to pipeline transportation improvements to support the development. Affected are the North/South corridor, South Francis Road, State Road 16 and International Golf Parkway. Bishop reported that the Pipelining Mitigation Plan was reviewed by the Regional Planning Council and the proportionate share contribution of the applicant is \$13,526,000.00. She talked about infrastructure and noted the project impacts 133 acres of wetlands. She also noted the applicant has worked with the Water Management District to protect pristine wetlands. Bishop commented that Staff still has concerns regarding water re-use. She expressed concern about the applicant's contribution with regard to how much it will benefit the County. She said the St. Johns County Utility Department would like to see some of the language addressed. She specifically referred to the developer's costs being reduced by re-use connection fees. Bishop said the applicant has asked for some type of mechanism to be reimbursed as new tie-ins occur. She noted Bill Young from the utility department was present.

(3:29 p.m.) Jacalone asked Young what is typically done with re-use. Young said there's not a mechanism in place, at this time, to pay the developer back from unit connection fees for water reuse. Young recommended creating a policy similar to the one used for water and sewer transmission mains. (3:34 p.m.) Jacalone asked what language needed to be addressed and expressed concern about approving the request without having a re-

payment scenario. Discussion followed about creating language to deal with the reuse connection fees. (3:36 p.m.) Meiszer noted that the cost of the line and the cost of affluent are separate matters, and currently there is no affluent to sell. (3:39 p.m.) Maguire noted that the proposal states that both the County and the developer are eligible for reimbursement with the funds paid by reuse customers.

(3:41 p.m.) Bishop said the County's second issue is with affordable housing. She noted that the applicant will sell land to the County for affordable housing, and the County could sell it back to the developer to build affordable or multi-family housing. She said the applicant's efforts are noteworthy, however, it would be difficult for the County to track this for audit purposes. She said the County has suggested specific, periodic payments. (3:44 p.m.) There was discussion on how Saint Johns was done. (3:45 p.m.) Bishop said most DOs don't provide for a lot of affordable housing, and studies have indicated there wasn't a need. She said the County really hasn't gotten what it needs in the way of affordable housing, though things are better now that Mr. Crawford is on board. (3:48 p.m.) Bishop noted that it is the Planning Director's opinion that the overall project would be a benefit to St. Johns County.

(3:49 p.m.) Referring to the transportation section of the email received from George McClure, Jacalone asked for clarification on the improvements to be constructed by the developer. There was discussion about the intent of the language. Jacalone summed up that the developer wants to apply the right-of-way that they convey, to the cost of the road improvement that relates to their pipelining obligation.

(3:53 p.m.) Jacalone suggested the language about developer improvement responsibilities be revised. He referred to page 24, Subsection (j) of the Revised DO and recommended that *they accept that it's paid to the County and the County utilize that money within the same study area that was utilized to get to their pipelining amount to start with.* (3:54 p.m.) Bishop stated that the language could be revised. (3:55 p.m.) Meiszer stated that pipelining is for the benefit of the applicant and didn't understand why there should be a credit for pipeline improvements, which are required. He also referred to language (in paragraph D) that states *within 90 days of a request by the FDOT the developer will contribute to the FDOT \$250,000 to fund a study of the St. Johns River Crossing.* He expressed frustration that another study was recently done on crossings and questioned the need for another. (3:57 p.m.) Bishop said FDOT wanted the provision and the applicant agreed.

(4:00 p.m.) In response to discussion on South Francis Road, Stephenson noted the project was designed, permitted and bid to contract when this development was announced. He said the County stopped to wait on the development. Stephenson said the developer proposed they do a part of the road and leave the south part of the road for the County. He said they still have the plans, but the money has been spent and the work would now be more costly given the development. (4:02 p.m.) Maguire referred to paragraph 23 relating to transportation and the developer's contribution being "up to" a certain amount. (4:03 p.m.) Bishop said the mitigation package has showed that their improvements would be \$13,526,000. (4:03 p.m.) Lopez said it does say "up to" and could be less than that. (4:04 p.m.) Maguire asked for a definition of pipelining and mitigation. Bishop explained that pipelining is allowed by Florida Statute and is a proportionate share payment-mitigation plan that applicants can enter into for mixed use Developments of Regional Impact (DRIs). She said pipelining allows for transportation systems to be improved upfront, before impacts of a project occur. She said it should happen that the county and the local government get an improved roadway system and the developer satisfies the county's concurrency requirements for transportation. Bishop said a concern is that roads that the project will be impacting could be left still at deficient levels.

(4:06 p.m.) Discussion followed about roadway improvements. (4:08 p.m.) Bishop read and explained section (e) on page 23 of the Resolution. It was established that the County would pick up the second half of that improvement. (4:09 p.m.) Jacalone stated that it would be a two-lane roadway within a four-lane right-of-way and when the capacity demands, it will increase. Jacalone referred back to Subsection (j) on page 24 of the McClure e-mail and said he was troubled by the new language. He suggested stopping after “. . . . *If any required improvement has been made by others, then applicant shall either pay the portion of the pipelining amount attributable to such improvement to the County on the date such improvement was required to be commenced and the County shall use the funds to make other improvements to roads within [stop and replace with] the traffic study impact area of the project [don't have problem with the three year period] and the rest can go away.* He said he will question them on “. . . *in the event the transportation impacts of the project are reduced from those projections upon which the pipelining amount is predicated, the Developer may revise the required improvements.* Jacalone said there are questions on the current pipelining amount being too low and they may want to revisit the amount and revise that number down. Jacalone expressed concern about how that process takes place. Bishop stated he would check the Statute.

(4:12 p.m.) Meiszer disclosed exparte communications. He said Francis Road will be greatly impacted by this development and expressed concern about the entire road being brought up to standard. (4:14 p.m.) Bishop said the applicant has requested impact fee credits. (4:14 p.m.) Discussion followed regarding the improvements that will be needed to Francis Road. There was confusion about whether the developer or the County will be responsible for upgrading the road and which part thereof.

(4:17 p.m.) Stern expressed concern about education and schools and stressed the impact from this development. Bishop noted that the applicant has tried, unsuccessfully, to contact the School District.

(4:18 p.m.) Stern, Bryant, Jacalone, and Maguire disclosed exparte communication. Jacalone noted that during his meeting with the developer a completion date was discussed, but has not been confirmed.

(4:21 p.m.) Bishop noted that the PZA recommended approval of the proposed Comprehensive Plan Amendment and the minutes of that meeting have been provided to the Board.

(4:22 p.m.) Tom Crawford, Director of Housing and Community Services, reviewed the lump sum payments and noted there would be no payments due on the 10 cents on the commercial non-residential during the first phase. He noted a second payment would be due at the start of the third phase and that it would be five to 10 years for the actual payments to start.

(4:23 p.m.) George McClure, 170 Malaga Street, introduced himself as representative for Steinemann & Company, the developer. He asked that questions be held until after the presentation and referred to typos noted by the Board. First, he said the language ‘up to \$13 million’ would be deleted and reassured that the dollar amount would remain fixed regardless of what improvements are done by others. Secondly, he said the completion date (under subsection [a]) of transportation improvements, would be July 1, 2007. McClure introduced various members of the team.

(4:28 p.m.) Duke Steinemann addressed the Board and expressed his gratitude to all parties involved. Steinemann stated that they would be rebuilding the north portion of Francis Road without any mitigation. He noted they were well along with plans and the

proposed start date is mid to late February if the Board approves the DRI. He described the general location and layout of the retail space. Steinemann commented that, under the affordable housing proposal, they would give land to the County and then buy it back. He said they would then build housing.

(4:33 p.m.) Maguire asked for comment on contact with the school board. (4:33 p.m.) Dick Prosser, Prosser, Hallock Planners & Engineers, Jacksonville, stated that they have contacted the School Board, submitted data and has not received any unfavorable comments.

(4:35 p.m.) Steinemann submitted a rendering (Exhibit B) of the office building and a pavement plan of the World Commerce Center (Exhibit C).

(4:35 p.m.) Anthony Robbins, of Prosser-Hallock, provided an overview of the project. He referred to the site plan on the overhead and talked about the benefits of the prime location. He indicated the boundaries of the proposed change. Robbins also referred to the high quality wetlands and stated their intent to relocate the rights and developable area from one part of the site to another more appropriate area. He added that they plan to reduce the potential number of residential units allowed. Robbins noted that the northwest sector is ready for this type of development. He reviewed the square footages of the proposed uses. Robbins noted that approximately 20% of the site would be set aside for preservation and there would be a conservation easement. He reviewed the location of wetlands that will require mitigation.

The meeting recessed at 4:51 p.m. and reconvened at 5:00 p.m.

(5:00 p.m.) McClure responded to comments that were made about concurrency and pipelining. He stated that their proportionate share of the road impact cost is \$13,600,000 for all of the regionally significant roads. The developer wanted to use the mitigation dollars to improve South Francis Road to the Ring Power entrance, but the County suggested the north/south corridor that would run through a corner of the project, but that would only create development challenges, as it would divide the property into two halves. They have combined the interest of all involved parties; the developer, the County and the residents, to devise a plan that includes widening and four-laning SR 16 at the IGP/ Pacetti Road intersection. They would also dedicate 200 feet of right-of way to the County for the north/south corridor. He further reviewed the proposed roadway improvements, their cost and completion dates. He outlined their affordable housing commitment in the first phase and collecting the Impact Fees (10 cents per unit) on a pay as you go basis. He summarized the options in phases two and three, which will include 900 to 1,000, low to moderate affordable housing units, totaling over \$1.1 million. Despite the housing, this will be a heavily commercial and job oriented DRI, by comparison to other DRIs in the area. McClure commented on the tax revenue that would be generated by the DRI and using reuse water from the drainage systems to meet 100% of the irrigation needs for all landscaping. They are willing to contribute up to \$600,000 to the County for the reuse line construction, but they would like the County and the developer to be reimbursed, proportionately, by charging a tapping fee to anyone else who taps into the line. They would be willing to bond the \$600,000 payment, instead of paying it up front.

(5:32 p.m.) Steinemann addressed the reuse water issue and the fact that 7.5 miles of line would have to be laid, the cost involved and proportionate reimbursement to be shared at a 60/40 ratio if someone else taps into the line.

(5:35 p.m.) There was discussion regarding the percentage of population who work outside of the county, combining residential units within a predominately commercial

development, ownership of the Conservation Easement and Fee Simple, and the South Francis Road improvements.

(5:43 p.m.) John Metcalf, 1104 Mill Creek Dr., representing IT Land Associates and SJ Land Associates, spoke in support of the project.

(5:44 p.m.) Jim Davidson, 276 Pinehurst Pointe, commented that he supports and welcomes the World Commerce Center DRI.

(5:45 p.m.) Tom Beal, 5238 River Park Villas Dr., commented on the review and approval process and welcomed Ringpower to St. Johns County. He also commented on roadways and traffic between St. Johns and Clay Counties.

(5:56 p.m.) Drew DeCandis, 409 Triple Crown Lane, spoke in support of the project and commented on the need to four-lane IGP and he stated that the Saint Johns DRI is already committed to four-lane IGP. The Saint Johns DRI has a provision that has three options: 1) four-lane IGP, 2) stop construction, or 3) get someone else to commit to the four-laning. He feels that the \$13 million could be used elsewhere in the county rather than being used for something that Saint Johns is already committed to do. He feels that the developer should pay for the improvements to South Francis Road as the development will have an impact on that roadway.

(5:59 p.m.) Tom Manuel, 505 Becker Branch Place, School Board and PZA member, stated that he supports this project, but he is opposed to the transmittal of the DRI due to non-compliance with school concurrency, as the student ratios used in the DRI are incorrect. He also feels that the approval process and procedures need to be reviewed and revised.

(6:10 p.m.) Mark Bailey, 309 Redwing Lane, spoke in support of the development and asked the Board to consider the Ringhaver history when making its decision.

(6:12 p.m.) Bryant stated, for clarification, that this is not a transmittal hearing, it is an adoption hearing for a Comp Plan Amendment and for approval of the World Commerce Center DRI. He stated further that schools are not considered for concurrency in St. Johns County.

(6:14 p.m.) Meiszer questioned the need for housing in the DRI. Bishop explained that it is a requirement of the Comp Plan Amendment and that in this Mixed Use area that exists on the Future Land Use Map, the applicant is actually reducing the residential density that could occur in that area. Also, the DO contains a proposed CDD.

(6:19 p.m.) Jacalone suggested changes to the DO, stating that the \$13.6 million has to be a real commitment and Mr. McClure has offered to eliminate the "up to" language and in Section 23, Subsection (a), should read: "*The commencement date for the construction of International Golf Parkway will be no later than December 31, 2005, or at the developers option pay to St. Johns County, the full cost including the cost of the new right-of-way acquisition, if necessary, is agreed to by the County for the four-laning of International Golf Parkway from the western entrance of World Golf Village to SR 16, project to be completed by July 1, 2007.*" Discussion followed regarding the Conversion Table. In reference to Subsection (j), Jacalone commented that he feels that the County should be the one to make the improvements, within the study area, if the project gets completed before the completion date occurs.

(6:24 p.m.) Bishop stated that the Utility Department had also provided some language that reads: "*the reuse transmission reimbursement process would be established so that the*

developer may be reimbursed for his contribution to the reuse transmission system. The process will be capped at the value of the developer's contribution and by a time period of up to six years after activation of the line. All of which is consistent with County policy regarding water and sewer transmission line reimbursements." Jacalone accepted this language.

(6:25 p.m.) Lopez commented on the e-mailed language for Paragraph (j), which should state: *"any changes have to go through the NOPC procedure consistent with the statute."*

(6:26 p.m.) Stern requested that the section of South Francis Road that is not going to be improved by the developer be addressed.

(6:27 p.m.) Joe Stephenson, Public Works Director, responded that the Board could direct his department to reserve funds for this project (S. Francis Rd.) in it's Capital Improvement Budget, which would include costs for buying land for wetland mitigation or require the developer to improve it. Discussion followed as to who should do the improvements.

(6:31 p.m.) Motion by Jacalone, seconded by Maguire, to approve Ordinance No. 2002-71, approving CPA 2002-01, Comprehensive Plan Amendments, as proposed concurrent with the World Commerce Center Development of Regional Impact, adopting Findings of Fact, contained within the packet, to support the motion.

ORDINANCE NO. 2002-71

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND 2015 FUTURE LAND USE MAP FROM RURAL/SILVICULTURE (R/S) TO MIXED USE DISTRICT (MD) FOR APPROXIMATELY 364 ACRES, AMEND COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES TO ADD POLICY h.1.3.7 TO AUTHORIZE THE WORLD COMMERCE CENTER DRI TO UTILIZE THE STANDARDS AND GUIDELINES SET FORTH IN CHAPTER 163.3180 (12) FS TO SATISFY THE COUNTY'S TRANSPORTATION CONCURRENCY REQUIREMENTS BY PAYMENT OF A PROPORTIONATE SHARE FOR APPROXIMATELY 966 ACRES KNOWN AS THE WORLD COMMERCE CENTER DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

(6:32 p.m.) **Motion by Jacalone, seconded by Maguire, to approve Resolution No. 2002-267, approving the World Commerce Center DRI Development Order, adopting Findings of Fact, contained within the packet, to support the motion, and incorporating the changes to the Development Order that were previously discussed and agreed to.**

RESOLUTION NO. 2002-267

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 2002-267, A DEVELOPMENT ORDER FOR WORLD COMMERCE CENTER, A DEVELOPMENT OF REGIONAL IMPACT UNDER CHAPTER 380, FLORIDA STATUTES; AUTHORIZING DEVELOPMENT OF APPROXIMATELY

**966 ACRES IN NORTHWEST ST. JOHNS COUNTY;
ESTABLISHING MITIGATION REQUIREMENTS FOR
REGIONAL IMPACTS INCLUDING MITIGATION FOR
TRANSPORTATION AND ENVIRONMENTAL
IMPACTS, PROVIDING DEVELOPMENT PHASING
AND BUILDOUT DATES; ESTABLISHING AN
EFFECTIVE DATE**

(6:32 p.m.) McClure stated that they accept the language changes with the following suggestions: 1) *"that the developer's cost be paid or bonded prior to construction,"* be added, and 2) that the language, *"The process will be capped at the value of the developer's contribution and by a time period of up to six years after activation of the line. All of which is consistent with County policy regarding water and sewer transmission line reimbursements,"* not be added. The developer would also like to retain the opportunity to make the alternative improvements as they could do it more quickly and cheaply than the County could. They would also be willing to make the improvements within three years and with an expanded two-mile radius, or within the study area, subject to approval by the County. He commented further that the PUD process would also allow the Board to evaluate the South Francis Road situation further. Discussion followed on the language proposed by Mr. McClure.

(6:39 p.m.) Bishop clarified that it would read: *"shall propose alternate improvements within the study area of the project, subject to review and approval of the County."*

(6:40 p.m.) Bill Young, Utilities Department, stated that he has no opposition to not having a time limit for reimbursement, as it is growth driven.

(6:44 p.m.) Bishop reviewed the changes to the water reuse issue, for clarification, to add the language *"paid or bonded,"* and in (j) ii, *"to make the alternate improvements within three years."*

(6:45 p.m.) **The motion to approve Resolution No. 2002-267, carried 4/1, with Meiszer opposed and the motion to approve Ordinance No. 2002-71, carried 5/0.**

10. PUBLIC HEARING - APPROVAL OF THE WORLD COMMERCE CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI) FILE NO. 2002-03. THIS IS A REQUEST TO APPROVE THE WORLD COMMERCE CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI). THE WORLD COMMERCE CENTER DRI IS A PROPOSED MULTI-USE DRI LOCATED WITHIN NORTHWEST ST. JOHNS COUNTY AT INTERNATIONAL GOLF PARKWAY AND SOUTH FRANCIS ROAD. THE SUBJECT PROPERTY CONTAINS APPROXIMATELY 966 ACRES. AT BUILD OUT, THE WORLD COMMERCE CENTER PROPOSES TO PROVIDE 908,800 SQUARE FEET OF RETAIL/SERVICE USES, 2,192,800 SQUARE FEET OF OFFICE USES, 1,156 DWELLING UNITS, 1000 HOTEL ROOMS AND 405,900 SQUARE FEET OF INDUSTRIAL USES. THE DEVELOPMENT SCHEDULE PROVIDES FOR THREE FIVE-YEAR PHASES BEGINNING IN 2003 AND ENDING IN 2017. THE DRI WILL EXPIRE IN 2021

Proof of Publication was received regarding the Notice of Public Hearing on approval of the World Commerce Center Development of Regional Impact (DRI) File No. 2002-03, having been published in *The St. Augustine Record* on October 11, 2002.

Item No. 10 was heard and acted upon in conjunction with Item No. 9. The meeting moved to Item No. 12.

(12/10/02 - 17 - 3:04 p.m.)

11. PUBLIC HEARING - MARSHALL CREEK COMMUNITY DEVELOPMENT DISTRICT EXPANSION PETITION. THE ESTABLISHED MARSHALL CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD) WAS ESTABLISHED ON SEPTEMBER 28, 1999 PURSUANT TO ORDINANCE 99-54 AND COVERS APPROXIMATELY 904 ACRES OF LAND LOCATED EAST OF U.S. 1 AT THE INTERSECTION WITH INTERNATIONAL GOLF PARKWAY. THE PROPOSED CDD EXPANSION AREA COVERS APPROXIMATELY 184 ACRES WITH THE MAJORITY LOCATED AT THE ENTRANCE OF THE DEVELOPMENT ADJACENT TO U.S. 1 AND A SMALL AREA ALONG THE MARSH FRONT ON THE EAST SIDE OF THE DEVELOPMENT. THESE AREAS WERE OMITTED FROM THE ORIGINAL CDD PETITION BECAUSE AT THE TIME THEY WERE UNDER DIFFERENT OWNERSHIP AND THE LANDOWNERS HAD NOT CONSENTED TO BEING LOCATED WITHIN THE CDD. WHEN THE ORIGINAL PETITION WAS UNDER CONSIDERATION BY THE COUNTY, THE APPLICANT STATED THAT ONCE THESE LANDS WERE PURCHASED IT WAS THERE INTENTION TO SUBMIT A PETITION FOR EXPANSION TO ADD THESE LANDS INTO THE CDD. AFTER EXPANSION, THE CDD WILL ENCOMPASS APPROXIMATELY 1,088 ACRES. THE BOARD OF COUNTY COMMISSIONERS APPROVED THE DEVELOPMENT ORDER FOR THE MARSHALL CREEK DRI (NOW REFERRED TO AS PALENCIA) ON OCTOBER 13, 1998. THE REZONING OF THE PROPERTY TO PUD WAS APPROVED

Proof of Publication was received regarding the Notice of Public Hearing on Marshall Creek Community Development District Expansion, having been published in *The St. Augustine Record* on November 25, 2002.

Lopez hand delivered a revised Ordinance.

Bruce Ford, Chief Planner, explained the purpose of the petition and stated that the County approved the Marshall Creek DRI on October 13, 1998. He noted the original boundary line and the proposed expansion on the overhead. Ford explained that at the time of the initial petition, all landowners had not consented to being included within the Community Development District (CDD). He said the initial petition stated that when these landowners wanted to come in they would submit another petition. Ford noted the expansion proposes to include infrastructure improvements and recreational areas. He reviewed the six factors the Board needed to consider in making a decision, which are included with the meeting packet. (3:09 p.m.) Lopez stated that outside counsel had been hired to review the Ordinance and what she handed the Commissioners had some last minute changes. She noted that the metes and bounds of the expansion area (Exhibit A) that is being revised, is forthcoming.

(3:11 p.m.) Jonathan Johnson, 123 South Calhoun Street, of Tallahassee, addressed the Board on behalf of the Marshall Creek CDD. He expressed his gratitude and offered to answer any questions.

(3:12 p.m.) Dante Salamone, 5225 Datil Pepper Road, expressed concern about expanding the site.

(3:15 p.m.) Lopez announced that Ford had some revisions on some of the Findings, a change in the Land Development Code section. Ford suggested a change to Finding #2 of the Proposed Findings of Fact. (3:16 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve Ordinance 2002-70, with the Findings to support the motion**

and Finding #2 to read "the proposed project meets the standards and criteria of Part 5.06.0 of the Land Development Code with respect to the provisions of the CDD," as amended by Mr. Ford.

ORDINANCE NUMBER 2002-70

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, EXPANDING THE MARSHALL CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2002); DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT EXPANSION AREA; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Item #11 was heard out of order, before Agenda Items #9 and #10.

(12/10/02 - 18 - 6:47 p.m.)

12. CONSIDER APPOINTMENT TO THE ADJUSTMENT AND APPEALS BOARD

Patricia Heiss, Assistant to the Administrator, presented the item.

Motion by Jacalone, seconded by Maguire, carried 5/0, to appoint Audrey Short to the General Public Alternate position to complete a current term scheduled to expire February 21, 2003, and serve a consecutive one-year term scheduled to expire February 21, 2004.

(12/10/02 - 18 - 6:48 p.m.)

13. CONSIDER APPOINTMENTS TO THE CHILDREN'S COMMISSION

Patricia Heiss, Assistant to the Administrator, presented the item.

Motion by Maguire, seconded by Stern, carried 5/0, to appoint Gary Bruce to the At Large position on the Children's Commission to complete a term scheduled to expire April 24, 2005.

Motion by Jacalone, seconded by Stern, carried 5/0, to appoint Lisa Urban to the District 5 position on the Children's Commission to complete a term scheduled to expire May 6, 2006.

(12/10/02 - 18 - 6:49p.m.)

14. CONSIDER APPOINTMENTS TO THE A1A SOUTH OVERLAY DISTRICT DESIGN REVIEW BOARD

Patricia Heiss, Assistant to the Administrator, presented the item.

Motion by Jacalone, seconded by Maguire, carried 5/0, to appoint Steven Cupolo to the A1A South Overlay District Design Review Board for a two-year term scheduled to expire December 10, 2004.

Motion by Stern, seconded by Jacalone, carried 5/0, to appoint George A. Snow to the Alternate position on the A1A South Overlay District Design Review Board for a two-year term scheduled to expire December 12, 2004.

Motion by Bryant, seconded by Stern, carried 5/0, to reappoint Lucy Ann Ferran to the A1A South Overlay District Design Review Board for a second two-year term scheduled to expire December 12, 2004.

(12/10/02 - 19 - 6:52 p.m.)

15. **CONSIDER A REAPPOINTMENT OF THE SCHOOL READINESS COALITION REPRESENTATIVE**

Patricia Heiss, Assistant to the Administrator, presented the item.

Motion by Jacalone, seconded by Stern, carried 5/0, to reappoint Teresa Woodward as the County Commission representative to the St. Johns County School Readiness Coalition for a second and final two-year term, scheduled to expire December 31, 2004.

(12/10/02 - 19 - 6:52 p.m.)

16. **CONSIDER APPOINTMENTS TO THE PLANNING & ZONING AGENCY**

Patricia Heiss, Assistant to the Administrator, presented the item. She commented that all parties, with the exception of Mr. Adiutori, would be available for the Special Meeting on December 16, 2002 and Mr. Jan Fischer withdrew his application due to a conflict.

Motion by Meiszer, seconded by Jacalone, failed 1/4, with Meiszer in favor, to appoint Jerry Cameron to the At Large position on the Planning & Zoning Agency for a full four-year term scheduled to expire December 1, 2006.

Motion by Stern, seconded by Jacalone, carried 3/2, with Meiszer and Maguire dissenting, to appoint Henry F. Green, III to the At Large position on the Planning & Zoning Agency for a full four-year term scheduled to expire December 1, 2006.

Motion by Bryant, seconded by Stern, carried 5/0, to appoint Floyd Phillips to the District 2 position on the Planning & Zoning Agency for an initial, four-year term scheduled to expire December 1, 2006.

Motion by Jacalone, seconded by Stern, carried 5/0, to appoint Jerry Cameron to the District 3 position on the Planning & Zoning Agency for an initial, four-year term scheduled to expire December 1, 2006.

Motion by Maguire, seconded by Jacalone, to appoint Robert Metcalfe to the At Large position on the Planning & Zoning Agency for a full four-year term scheduled to expire December 1, 2006. (No vote was taken on this motion as Henry F. Green, III was appointed by a previous motion).

(6:57 p.m.) Tom Manuel, 505 Becker Branch Place, Jacksonville, apologized for what happened at the last PZA meeting. He stated that he had just had a heart transplant and had an adverse reaction to his medication and was upset that a motion that he made failed to receive a second or any discussion. He feels that the County should be run as a business for the benefit of the "citizen shareholders". He also suggested that all current PZA members resign and start over fresh.

(7:06 p.m.) Meiszer indicated that he does not personally know all of the applicants who applied and he would like the opportunity to talk with and interview some of them prior to voting on them. (7:08 p.m.) Jacalone pointed out that the applications are on file for months and could be viewed in the Administration Office. Discussion followed regarding the application and appointment process.

(12/10/02 - 20 - 7:18 p.m.)

6A. AN EMERGENCY ORDINANCE RELATING TO SIGNS

Bryant introduced the item stating that due to a recent court ruling by the Federal District Court, Article VII of the Land Development Code would be rendered null and void and that the Emergency Ordinance is needed to prevent that from happening. (7:19 p.m.) Michael Hunt, Assistant County Attorney, stated in order to consider an Emergency Ordinance the Board would have to vote to waive the notice requirements by a 4/5ths vote. (7:19 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0 by Roll Call vote, to waive the notice requirements for the Emergency Ordinance, declaring that an emergency exist.** (7:20 p.m.) Hunt explained that a Federal District Judge ruled that three sections of the current Ordinance relating to signs in St. Johns County were unconstitutional and he enjoined part of the Ordinance from being enforced.

Jacalone	aye
Maguire	aye
Bryant	aye
Meiszer	aye
Stern	aye

(7:21 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adopt Ordinance 2002-72.**

ORDINANCE NO. 2002-72

AN EMERGENCY ORDINANCE RELATING TO SIGNS; AMENDING AND CLARIFYING CERTAIN PROVISIONS OF ARTICLE VII AND ARTICLE XII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE RELATING TO SIGN PERMIT APPLICATION DEADLINES, POLITICAL MESSAGE SIGNS, THE MAXIMUM SIZE OF "POLITICAL MESSAGE" SIGNS, RELATING TO APPEALS; RELATING TO DEFINITIONS OF BILLBOARDS AND ON-PREMISE AND OFF-PREMISE SIGNS; RE-ADOPTING AND RATIFYING ARTICLE VII, AS AMENDED AND CLARIFIED; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(12/10/02- 20 -7:23 p.m.)

16A. AMENDMENT TO THE POLICY GUIDELINES FOR APPOINTED BOARDS, COMMITTEES, COMMISSIONS AND AUTHORITIES

Patsy Heiss, Assistant to the County Administrator, presented the item and explained the amendments and the reason for the amendments to the policy. (7:25 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to incorporate these amendments into the Policy Guidelines for Boards, Committees, Commissions and Authorities.**

(12/10/02 - 20 -7:26 p.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer

Meiszer addressed budget concerns and a possible real estate transfer tax that would replace impact fees.

(7:28 p.m.)

Commissioner Stern

Stern asked for a workshop with Code Enforcement to address assessed fines to former property owners and transportation funding. She also commented on the new Hastings Fire Department Open House.

(7:31 p.m.)

Commissioner Bryant

Bryant commented on a past increase in fines that he attributed to former Commissioner Mary Kohnke.

(7:32 p.m.)

Commissioner Jacalone

Jacalone commented on a traffic improvement at SR207 and Hilltop Rd. He also asked that Mr. Adams contact the Regional Office of the DOT to inform them that Commissioner Bryant is now the Chairman. He stated that he is very disappointed that the County is not having a holiday gathering this year for the employees of St. Johns County.

(7:33 p.m.)

Commissioner Maguire

Maguire stated that he would like to be present when Cathy Brown, COA, addresses the City.

(12/10/02 - 21 - 7:34 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(12/10/02 - 21 - 7:34 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(12/10/02 - 21 - 7:34 p.m.)

CLERK OF COURT'S REPORT

No report.

(7:34 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adjourn the meeting.**

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 327486 through 327496 totaling \$2,417.27 (12/02/02).
2. St. Johns County Board of County Commissioners Check Register, Check No. 327497 totaling \$1,499.85 (12/02/02).
3. St. Johns County Board of County Commissioners Check Register, Check No. 327498 through 328051 totaling \$3,142,102.13 (12/03/02).

4. Petition to Expand the Marshall Creek Community Development District, submitted by Jonathan Johnson, Florida Bar No. 986460 (Received 9/10/02).
5. St. Johns County Board of County Commissioners Check Register, Check No. 328054 through 328214 totaling \$1,407,811.83 (12/10/02).

CORRESPONDENCE:

1. Letter dated December 2, 2002, to Misty Pearson, Bureau of Administrative Code, regarding Ordinance No. 2002-56.

Approved _____ January 14 _____, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk

