

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 17, 2002
9:00 A.M.**

Proceedings of a regular/special meeting of the Board of County Commissioners of St. Johns County, Florida, that began and was 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 Stern, District 2, Vice Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
Bruce Maguire, District 4
Ben W. Adams, Jr., County Administrator
Dan Bosanko, Deputy County Attorney
Robin Platt, Deputy Clerk

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

(12/17/02 - 1 - 9:08 a.m.)

Chairman Bryant called the Special Meeting to order.

(9:08 a.m.) Representative Dick Kravitz addressed the Board regarding keeping the lines of communication open between the Legislative Representatives and the Board of County Commissioners, as there will be a lot of items that they will have to work together on in the future.

(12/17/02 - 1 - 9:11 a.m.)

SPECIAL MEETING 9:00 A.M. - CLOSED SESSION - PRIVATE/SHADE MEETING PURSUANT TO FLORIDA STATUTE 286.011(8). AS OUTSIDE COUNSEL HIRED BY THE COUNTY TO REPRESENT IT IN THREE CASES, WE REQUEST A CONFIDENTIAL AND PRIVILEGED ATTORNEY/CLIENT MEETING WITH THE BOARD OF COUNTY COMMISSIONERS ON DECEMBER 17, 2002 AT 9:00 A.M. THIS MEETING, AS AUTHORIZED BY FLORIDA STATUTE 286.011(8)(D) WILL BE A CONFIDENTIAL MEETING IN WHICH THE FOLLOWING INDIVIDUALS WILL BE ALLOWED TO ATTEND: COMMISSIONERS BRYANT, STERN, MAGUIRE, JACALONE AND MEISZER, COUNTY ADMINISTRATOR BEN ADAMS, COUNTY ATTORNEYS JIM SISCO AND DAN BOSANKO AND OUTSIDE COUNSEL, SUSAN SMITH ERDELYI. A COURT REPORTER WILL ALSO BE PRESENT TO RECORD THE MEETING. THE THREE CASES TO BE DISCUSSED ARE: NATIONAL ALLIANCE FOR THE MENTALLY ILL, ST. JOHNS, INC. ET AL V. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ET AL CASE NO. 3:01-CV-1070-J-21HTS. CAFÉ EROTICA/WE DARE TO BARE/ADULT TOYS/GREAT FOOD/ EXIT 94, INC. V. ST. JOHNS COUNTY, CASE NO. 3:01-CV-342-J-21HTS. CAFÉ EROTICA OF FLORIDA, INC. V. ST. JOHNS COUNTY, CASE NO. 3:98-CV-597-J-21TJC. THESE CASES ARE FILED IN FEDERAL DISTRICT COURT IN JACKSONVILLE, FLORIDA AND OUTSIDE COUNSEL WISHES TO MEET WITH THE ABOVE INDIVIDUALS TO DISCUSS SETTLEMENT NEGOTIATIONS OR STRATEGY SESSIONS RELATED TO LITIGATION EXPENDITURES.

Proof of Publication regarding the Special/Closed Session was received, having been published in *The St. Augustine Record* on December 10, 2002.

Dan Bosanko, Deputy County Attorney, informed the Board that the County Attorneys Office needs advice from the Board concerning three ongoing lawsuits in Federal Court in a Closed/Private Attorney/Client Meeting.

(9:13 a.m.) Bryant announced the names of the attendees: James E. Bryant, Karen R. Stern, Marc A. Jacalone, Bruce A. Maguire, Nicholas Meiszer, Ben W. Adams, Jr., Daniel J. Bosanko, Esquire, James G. Sisco, Esquire, Susan Erdelyi, Esquire and Janet Beason, Court Reporter.

(10:56 a.m.) Bryant announced that the Closed Meeting had officially terminated.

(12/17/02 - 2 - 10:56 a.m.)
CALL TO ORDER

Bryant called the Regular Meeting to order.

(12/17/02 - 2 - 10:57 a.m.)
Stern gave the Invocation and Jacalone led the Pledge of Allegiance.

(12/17/02 - 2 - 10:58 a.m.)
ROLL CALL

Bryant indicated that all five Commissioners were present.

(12/17/02 - 2 - 10:58 a.m.)
PUBLIC COMMENT

Edwin Taylor, 3665 Crazy Horse Trail, discussed the plans for space allocation at the VA Clinic and handed out a report entitled *Space Allocation in St. Johns County Health & Human Services* to the Board. He requested that Agenda Item 2 be tabled until it has been properly considered and all the interested parties, including the public, are consulted and the issues resolved. He stated that he feels that space allocation is a job for the County Administrator, not the Chairman of the BCC. He reviewed the increases in medical services for veterans. Discussion followed regarding the time and space needed for expansion.

(11:00 a.m.) Michael Hunt, Assistant County Attorney, entered the meeting.

(11:07 a.m.) Louise Thrower, 288 Orange Ave., discussed various issues and presented Exhibit A, an excerpt from today's Consent Agenda; Exhibit B, accolades to the outgoing PZA members; Exhibit C, Statement of Commitment, she saluted and thanked the outgoing PZA members; Exhibit D, PZA Member List, showing that District 1 no longer has a resident representative on the PZA; and Exhibit E, holiday wishes to the Board. Discussion followed regarding the District 1 position on the PZA, district reorganization and boundary changes.

(12/17/02 - 2 - 11:18 a.m.)
DELETIONS TO CONSENT AGENDA

Meiszer requested that Item 4 be moved to the Regular Agenda as Item 25A, Maguire requested that Item 11 be put on the Regular Agenda as Item 25B and Adams requested that the Cash Requirements Report, Item 1, be put on the Regular Agenda as Item A1.

(12/17/02 - 3 - 11:20 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

This item was moved to the Regular Agenda as Item A1. (See page 6)

2. Approval of Minutes:
BCC Regular Meeting 12/3/02

3. Sheriff's Bonds:
Approve: Jennifer L. Anderson
Approve: Gregory L. Atkinson
Approve: Anna C. Buie
Approve: Christopher J. Dale
Approve: Noreen L. Diaz
Approve: Michael S. Grayson
Approve: Karl J. Hall
Approve: Stephen J. Karapcik
Approve: Michael C. Maietta
Approve: Deborah O. Tanner
Approve: Casey J. Wright
Cancel: Kevin Munger
Cancel: Kelly Vought

4. Motion to adopt a Resolution approving the donation of property, the responsibility for closing costs, temporarily licensing such property to Mr. Mizell, and approving payment from CTF Reserves Fund #1131-59920 for the future construction of the 312 Extension.

This item was moved to the Regular Agenda as Item 25A. (See page 24)

5. Motion to adopt **Resolution No. 2002-267**, approving the Grant of Easement for a sewer line to service the Northwest Annex in Julington Creek PUD.

RESOLUTION NO. 2002-267

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR SEWER SERVICE TO THE NORTHWEST ANNEX IN JULINGTON CREEK PUD

6. Motion to enter into License Agreements with Florida East Coast Railway for Big Oak Road, Palmer Street, Madeore Street, Stuart Street, and Watson Road and to include in the Licensing Agreement for Lewis Speedway, the cost of improvements to the Lewis Speedway Rail Crossing in the amount of \$284,760.00.

7. Motion to adopt **Resolution No. 2002-268**, approving a Final Plat for Diego Island.

RESOLUTION NO. 2002-268

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR DIEGO ISLAND

8. Motion to adopt **Resolution No. 2002-269**, approving a Final Plat for Marsh Harbor at Palm Valley.

RESOLUTION NO. 2002-269

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSH HARBOR AT PALM VALLEY

9. Motion to adopt **Resolution No. 2002-270**, approving a Final Plat for Saint Johns Six Mile Creek North, Unit 3, Parcel 21.

RESOLUTION NO. 2002-270

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK NORTH UNIT 3, PARCEL 21

10. Motion to adopt **Resolution No. 2002-271**, approving a Final Plat for Saint Johns Six Mile Creek North, Unit 1, Parcel 4, Tract 4A.

RESOLUTION NO. 2002-271

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK NORTH UNIT 1, PARCEL 4, TRACT 4A

11. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid. No. 03-15, Demolition and Removal for Development Services, with Southern Enterprises Group, Inc., American Debris Services and Cross Environmental Services. Southern Enterprises Group, the low bidder, will be the primary, or first choice contractor, American Debris Services the second choice contractor, and Cross Environmental Services the third choice contractor.

This item was moved to the Regular Agenda as Item 25B. (See page 24)

12. Motion to allow the County Administrator, or his designee, to enter into contract under Bid No. 03-31, Construction of St. Augustine South Drainage Improvements, with D. B. Smith, Inc., in the amount of \$300,584.00 (Attachment A).

13. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 03-26, Construction of St. Augustine South Drive Sidewalk Improvements, with Bimini Grassing, Inc., in the amount of \$123,500.00 (Attachment B).
14. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 03-24, Construction of C.R. 210 Sidewalk Improvements, with GMS Construction in the amount of \$66,945.00 (Attachment C).
15. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 03-19, Construction of the Palm Valley boat ramp, dock and parking lots, with Military Construction Corp. in the amount of \$145,297.00 (Attachment D).
16. Motion to declare three mobile homes at Ravenswood Landfill as surplus and authorize the County Administrator, or his designee, to dispose of them in accordance with the County Surplus Property Policy.
17. Motion to direct the County Administrator to execute a contract in the form of a third party agreement with the Junior Service League, the Children's Home Society and the County for the provision of services at the Kid's Bridge Visitation Center for \$35,000.00.
18. Motion to approve the transfer of \$12,000.00 from Building Services Reserve (1190-59920) to Pre-construction Operating Supplies (1187-55200) to cover the cost of furniture and equipment for the Building Department at the new Northwest Annex.
19. Motion to adopt **Resolution No. 2002-272**, allowing St. Johns County to participate in the Clay County HFA Bonds for tax exempt mortgage financing for first time home buyers.

RESOLUTION NO. 2002-272

A RESOLUTION APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF CLAY COUNTY OF ITS TAX EXEMPT SINGLE FAMILY MORTGAGE REVENUE BONDS IN THE AGGREGATE AMOUNT, NOT TO EXCEED \$50,000,000.00 TO PROVIDE FUNDS TO FINANCE THE PURCHASE OF QUALIFYING SINGLE FAMILY RESIDENCES IN VARIOUS COUNTIES WITHIN THE STATE OF FLORIDA, INCLUDING ST. JOHNS COUNTY AND THE OPERATION OF THE HOUSING FINANCE AUTHORITY OF CLAY COUNTY WITHIN THE TERRITORIAL BOUNDARIES OF ST. JOHNS COUNTY WITH RESPECT TO SAID BONDS; AND PROVIDING AN EFFECTIVE DATE

20. Motion to approve a budget transfer in the amount of \$250,000.00 from the General Fund (001-0082-58200) to the West Augustine CRA Trust Fund (1280-38101) for in-fill housing lots acquisition.
21. Motion to adopt **Resolution No. 2002-273**, approving the issuance, by the Housing Finance Authority of St. Johns County, of its Multi-family Housing and Revenue Bond (Summerset Village Project), Series 2002, not to exceed \$15,000,000.00.

RESOLUTION NO. 2002-273

A RESOLUTION APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, FLORIDA, OF ITS MULTIFAMILY HOUSING REVENUE BONDS (SUMMERSET VILLAGE PROJECT), SERIES 2002, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$15,000,000. FOR THE PURPOSE OF FINANCING ALL, OR A PORTION OF, THE COST OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF AN APPROXIMATELY 216-UNIT MULTIFAMILY HOUSING DEVELOPMENT TO BE LOCATED IN ST. JOHNS COUNTY, FLORIDA, TO BE OWNED AND OPERATED BY AN AFFILIATE OF REGENCY DEVELOPMENT ASSOCIATES, INC., A NORTH CAROLINA CORPORATION; ALL PURSUANT TO CHAPTER 159, PART IV, FLORIDA STATUTES, AS AMENDED

22. Motion to approve a Second Amendment to the Interlocal Agreement between St. Johns County and the City of St. Augustine Beach for Fire Protection Services.

(12/17/02 - 6 - 11: 20 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant added Item 3A, Ball Field Lighting for Switzerland Point Middle School and Item 3B, prefabricated restrooms and concession stands at Davis Park and Gamble Rogers Park. Adams added the replat of Ponte Vedra Shores West, Lot 31 as Item 25C.

(12/17/02 - 6 - 11:21 a.m.)

APPROVAL OF REGULAR AGENDA

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

(12/17/02 - 6 - 11:21 a.m.)

A1. APPROVAL OF THE CASH REQUIREMENT REPORT

Joe Vonasek, Director of Management and Budget, presented the details of the amendments to the Cash Requirement Report. (11:24 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to approve the Cash Requirement Report, as amended.**

(12/17/02 - 6 - 11:24 a.m.)

1. CONSIDER REORGANIZATION OF THE HEALTH DIRECTOR'S RESPONSIBILITIES OVER THE MENTAL HEALTH AND SOCIAL SERVICES DEPARTMENTS

Commissioner Bryant presented the item stating that the way things are now, there is a state agency supervising a county agency. This action would remove the Public Health Director from direct supervision of county employees. Discussion followed. (11:33 a.m.) Maria Colavito, Director of Mental Health, stated that Dr. Gomez who is their Medical Director, is a full-time employee of the county.

(11:34 a.m.) Helen Tobey, 205 E. Lattin St., Hastings, stated how important the services that are provided by Health and Human Services are to the community and how they have helped her in the past. (11:36 a.m.) Hunt left the meeting.

(11:40 a.m.) Motion by Jacalone, seconded by Stern, carried 5/0, to approve authorization for the County Administrator to contact the State of Florida Department of Health to amend the contract with St. Johns County to move responsibility of supervision of Mental Health and Social Services from the Health Department back to the County.

(12/17/02 - 7 - 11:40 a.m.)

2. DISCUSSION OF HEALTH AND HUMAN SERVICES BUILDING SPACE REQUESTS

Mary Ann Blount, Real Estate Manager, reviewed the item, and highlighted the additional space that is being requested by the various agencies that currently occupy the building. She stated that Hospice is slated to move out within 90 days and the Housing and Community Services and SHIP offices are planning to move into the Excelsior School Building once it is renovated. She also stated that Dr. Walker has offered some space in the Health Department to the VA, as they are in need of space for a waiting area and a copy and equipment area. The YCC Wing lease will be up in December of 2003, and that would allow the VA Clinic additional space to expand. It may be possible to negotiate an early lease termination with the YCC if the Board chooses. Discussion followed regarding the time constraints with the space allocation and the remodeling of the Excelsior Building.

(11:49 a.m.) Bosanko stated that there is a binding contract with the YCC, whose lease is up in late December 2003, and he sees very limited options in getting out of that lease early. (11:50 a.m.) Stern stated that she visited the Health Department and VA Clinic and was informed that the VA Clinic could be temporarily accommodated by the space that has already been vacated by the YCC. Discussion followed regarding the space that was offered to the VA by the Health Department. (11:53 a.m.) Bryant commented that when he toured the building with Congressman Mica, the Congressman stated that he would be looking for funds to add a second story to the building. (11:57 a.m.) Maguire commented that the VA Clinic and its clients would probably be better served by keeping the waiting area within the clinic and not down the hall at the Health Department. (11:58 a.m.) Meiszer commented that the Veterans Service Office provides more than health care, they provide all kinds of assistance to veterans. He feels that the space in the Health Department would benefit the clients who are there for things other than health care. He believes that the expansion of the building needs to be studied and that they should not just assume that adding a second story is the only option. He favors professional architectural and design advice. (12:04 p.m.) Jacalone stated that the County had excess capacity when the building was initially purchased and now the County needs to be focused on what they are mandated to provide and which uses compliment each other.

(12:06 p.m.) Helen Tobey, 205 E. Lattin St., Hastings, spoke in support of the veterans and stated that allocating space is not a function of this Board, and she feels that it should be handled by Facilities Maintenance, as this is not a policy issue.

(12:09 p.m.) Col. Edwin Taylor, 3665 Crazy Horse Trail, stated he spoke to Mr. Tallman, who reviewed the space offered by the Health Department, and he explained why that space would not work for their clients at the VA Clinic. Discussion followed regarding micromanagement of the facility.

(12:14 p.m.) Blount asked for direction to proceed with the issues regarding space for Mental Health, Project Special Care and negotiating with the YCC for an early move out of their space. She stated that she could come back to the Board at the Special Meeting that will be held on December 30th with the details of the new space allocations, as there are some deadlines that need to be addressed prior to January 1, 2003. Discussion followed regarding approval of the lease space.

(12/17/02 - 8 - 12:19 p.m.)

3. UPDATE ON PIER EXPANSION PLANS AND ESTIMATES

Dan Weimer, Director of Parks and Recreation, presented the details of the pier expansion and stated that they have not yet decided how to fund the expansion.

(12:21 p.m.) Bruce Taylor, Taylor Engineering, 9000 Cypress Green Dr., Jacksonville, reviewed the engineering involved in the pier extension that has been affected by the beach renourishment project, which will last three to five years.

(12:24 p.m.) Jeff Hellstrom, CH2M HILL, 9428 Baymeadows Rd., Jacksonville, detailed the permit application phase of the pier extension, the response phase and the design and construction phase. The budgetary cost of the expansion is estimated at \$1.1 million for construction with 10% to 15% for design, permitting and hydrographic survey, about 5% to 7% for geotechnical work, and 2% to 3% for archeological investigations.

(12:29 p.m.) Jacalone asked for additional information on the cost of other design options. (12:30 p.m.) Meiszer questioned what stabilization measures have been looked at for the beach. He asked about a plastic material that looks like matting that is supposed to aid in preventing erosion. (12:31 p.m.) Mr. Taylor responded that he is familiar with several of those types of products and they are mostly unproven and he doubted that they would be very effective on a high-energy coastline like the one here in St. Augustine. (12:33 p.m.) Weimer stated that there has been a definite revenue loss at the pier. (12:34 p.m.) Dave Williams, Manager of Aquatic Services, updated the Board on the revenue and reserve monies at the pier.

(12:36 p.m.) Ronald Pandolfi, 704 Mickler Blvd., St. Augustine Beach, read a letter into the record addressed to Dan Weimer, from Ken Kelton, regarding the fishing pier. He commented that currently only about six people at a time can fish from the pier. He asked how much longer this renourishment is going to take.

(12:41 p.m.) Edward Person, 121 Jupiter Rd., stated that people come to St. Augustine on their vacations just to fish at our pier. He commented that the surfers are violating an Ordinance by surfing at the pier and he questioned what would happen if someone got hurt. (12:42 p.m.) Strickland left the meeting.

(12:43 p.m.) Mike Boyer, 3575 U.S. 1 South, stated that he is now looking for another place to live as he can no longer fish at the pier. He also stated that the bait shops are suffering from a loss of revenue.

(12:46 p.m.) Ed Honhold, 1505 SR 207, stated that he is upset about the condition of the pier and that he usually spends six months out of the year here and now with the pier non-fishable he can see no reason to come here.

(12:47 p.m.) Maguire questioned whether the pier is marked "no surfing". Williams responded that there are signs posted on the pier, but they have been largely ignored by

the surfing population. Discussion followed about fishing at the pier, access to the water and artificial reefs.

(12/17/02 - 9 - 12:53 a.m.)

3A. BALL FIELD LIGHTING AT SWITZERLAND POINT MIDDLE SCHOOL

Dan Weimer, Director of Parks and Recreation, presented the item, stating that the Board had dedicated JEA Funds to lighting the ball fields at Switzerland Point Middle School and they have received a low bid through a piggyback arrangement with the City of Jacksonville. (12:54 p.m.) **Motion by Stern, seconded by Meiszer, carried 4/0, with Jacalone absent, to allow the County Administrator, or his designee, to piggyback from the City of Jacksonville Bid# SC0463-00, with Musco Sports Lighting and enter into a contract in the amount of \$190,118.00 for lighting the Switzerland Point Middle School.**

(12/17/02 - 9 - 12:54 a.m.)

3B. PURCHASE OF RESTROOM/CONCESSION STANDS AT GAMBLE ROGERS PARK AND DAVIS PARK

Dan Weimer, Director of Parks and Recreation, reviewed this item, explaining that they have selected prefabricated modular buildings that are substantial and should blend with the existing structures that are already at Davis Park for a consistency in design. He explained the plans for utilities that will be extended to the park by JEA. (12:57 p.m.) **Motion by Stern, seconded by Maguire, carried 4/0, with Jacalone absent, to allow the County Administrator, or his designee, to enter into a contract with Hunter Kneppshield Corp. for restroom and concession stands at Gamble Rogers Park and Davis Park in the amount of \$251,450.61.**

(12/17/02 - 9 - 12:57 a.m.)

4. CONSIDER A TRANSFER OF FUNDS FROM THE GENERAL FUND RESERVE TO THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY TO FUND CLERICAL STAFF OPERATING EXPENSES FOR THE REMAINDER OF FY 2003

Tom Crawford, Director of Housing and Community Services, explained that last fall the Board approved two additional CRA's and this created a need for a clerical staff position to aid in the record keeping. In the future the CRA's revenues should pay for their operating expenses. (1:02 p.m.) **Motion by Stern, seconded by Maguire, carried 4/0, with Jacalone absent, to transfer \$24,655 from General Fund Reserve (0083-59920) to the St. Johns County Community Redevelopment Agency (Fund 1280, Department 1281) to fund clerical staff operating expenses for the remainder of FY 2003, to be repaid from revenue generated by the CRA, starting in 2007.** Discussion followed regarding how new staff positions are created. (1:03 p.m.) Hunt returned to the meeting.

(12/17/02 - 9 - 1:05 p.m.)

5. CONSIDER A RESOLUTION CONSENTING TO THE TRANSFER OF THE CABLE TELEVISION (CATV) FRANCHISE HELD BY AOL TIME WARNER (AOLTW) TO TIME WARNER CABLE, INC. (TWC)

Joe Vonasek, Office of Management and Budget, presented the item and passed out a corrected copy of the Resolution. (1:07 p.m.) **Motion by Stern, seconded by Maguire, carried 4/0, with Jacalone absent, to adopt Resolution No. 2002-274, consenting to the transfer of the CATV Franchise held by AOLTW to TWC .**

RESOLUTION NO. 2002-274

RESOLUTION GRANTING CABLEVISION
INDUSTRIES LIMITED PARTNERSHIP CONSENT TO
TRANSFER FOR PURPOSE OF CORPORATE
RESTRUCTURING

(1:09 p.m.) Bryant stated that the Reports would be postponed until the end of the day.

The meeting recessed at 1:09 p.m. and reconvened at 1:45 p.m. with Bryant, Stern, Meiszer, Adams, Lopez and Deputy Clerk Lenora Newsome present. Jacalone and Maguire were not yet present at the meeting.

(12/17/02 - 10 - 1:45 p.m.)

6. PUBLIC HEARING - MAJMOD 2002-05, WAL-MART PUD. THE SUBJECT PROPERTY IS LOCATED AT 2255 U.S. 1 SOUTH AND IS COMPRISED OF 22.51 ACRES. THIS REQUEST IS TO MODIFY THE APPROVED PUD TO ADD THE USE OF CAR AND TRUCK RENTAL. THIS PROJECT IS EXEMPT FROM CONCURRENCY PURSUANT TO 92-CE-05. IN THE CASE THAT THIS MODIFICATION REQUEST IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, 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. IT IS STAFF'S OPINION THAT THE REQUESTED MAJOR MODIFICATION COMPLIES WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF MIXED-USE DISTRICT (MD). THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03.05, WHICH PROVIDES STANDARDS FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THE REGULARLY SCHEDULED MEETING ON NOVEMBER 21, 2002, WITH A VOTE OF 6-0.

Proof of publication of Notice of Public Hearing on File # MAJ MOD 2002-05, 2255 U.S. 1 South Budget RAC/Walmart, was received having been published in *The St. Augustine Record* on November 29, 2002.

Danielle Mayoros, Planner II, reviewed this item, stating that this is a request to modify the Wal-Mart PUD Ordinance No. 2002-17, to add the use of car and truck rental. She stated that the Planning Division has no objection to this major modification. (1:48 p.m.) **Motion by Meiszer, seconded by Stern, carried 3/0, with Jacalone and Maguire absent, for the adoption of Ordinance No. 2002-73, known as the Wal-Mart PUD, adopting Findings of Fact 1 through 6 to support the motion.**

ORDINANCE NO. 2002-73

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE WAL-MART PUD,
ORDINANCE NUMBER 2000-17, AS AMENDED,

MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING FOR AN
EFFECTIVE DATE

(12/17/02 - 11 - 1:48 p.m.)

7. PUBLIC HEARING - REZ 2002-25 HIGH CHAPARREL. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.28 ACRES FROM COMMERCIAL GENERAL (CG) TO COMMERCIAL INTENSIVE (CI) LOCATED AT 2775 U.S. 1 SOUTH. THE TOTAL PARCEL ACREAGE IS 5 ACRES WITH THE PORTION TO BE REZONED COMPRISING ONLY THE EASTERLY PART (1.28 ACRES) AS DESCRIBED IN EXHIBIT A. THE PROJECT IS EXEMPT FROM CONCURRENCY. THE PROPOSAL IS NOT INCREASING THE IMPACT ON PUBLIC FACILITIES FROM WHAT WAS PREVIOUSLY APPROVED. IN THE CASE THAT THIS REZONING IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, 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 REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED USE DISTRICT PROVISIONS OF THE COMPREHENSIVE PLAN. THE REZONING ENCOURAGES AN EFFICIENT AND COMPACT LAND USE PATTERN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO COMMERCIAL INTENSIVE (CI) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. THIS ITEM WAS SCHEDULED TO BE HEARD BY THE PLANNING AND ZONING AGENCY (PZA) ON DECEMBER 5, 2002. THIS MEETING DID NOT HAVE A QUORUM AND THE ITEM WAS CONTINUED TO A SPECIAL MEETING TO BE HELD ON DECEMBER 16, AT 1:30 p.m. THE PZA RECOMMENDATION WILL BE PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING.

Proof of publication of Notice of Public Hearing on File # REZ 2002-25 High Chapparel, was received having been published in *The St. Augustine Record* on December 7, 2002.

Bruce Ford, Chief Planner, reviewed this item, utilizing visual display, stating that this request seeks to rezone approximately 1.28 acres from Commercial General (CG) to Commercial Intensive (CI) located at 2775 U.S. 1 South. (1:50 p.m.) Jacalone entered the meeting. Discussion followed on this being a St. Johns County Utility Service area, and what the PZA recommended on this case.

(1:52 p.m.) George McClure, 170 Malaga Street, Suite A, explained why the PZA recommendations were not in the packet. He spoke on what was being rezoned and why. Stern commented that she was pleased to see something being done with this property, because it has been vacant for a long time. (1:55 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0, with Maguire absent, to enact Ordinance No. 2002-74, adopting Findings 1 through 4 contained in the package to support it.** (1:56 p.m.) Maguire entered the meeting.

ORDINANCE NO. 2002-74

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

(12/17/02 - 12 - 1:56 p.m.)

8. PUBLIC HEARING - APPEAL - TOWER 2001-04 ZADMAPL 2002-02-TC FLORIDA TOWERS, II, LLC. THIS REQUEST IS AN APPEAL TO DENIAL OF TOWER 2002-04 BY THE PLANNING AND ZONING AGENCY FOR A TELECOMMUNICATION TOWER TO BE CONSTRUCTED ON A PARCEL OF LAND LOCATED SOUTH OF SR 206, SOUTH OF CYPRESS POINT DRIVE AND EAST OF THE FPL EASEMENT. ON OCTOBER 3, 2002 THE PLANNING AND ZONING AGENCY DENIED THE REQUEST, FINDING THE REQUEST NOT CONSISTENT WITH SECTION 6.08.12 OF THE LDC; LOCATION IN CONFLICT WITH THE IMMEDIATE AREA; INSUFFICIENT EVIDENCE TO PROVE THAT THE REQUEST IS NECESSARY TO PROVIDE TELECOMMUNICATION SERVICE TO A PARTICULAR AREA AND THAT DENYING THE REQUEST DOES NOT UNREASONABLY DISCRIMINATE AMONG PROVIDERS OR PROHIBIT THE PROVISION OF WIRELESS SERVICES. ON NOVEMBER 3, 2002 THE APPLICANT FILED AN APPEAL, IN A TIMELY MANNER AS PRESCRIBED BY THE LDC AND THE LAW

Proof of publication of Notice of Public Hearing on Tower 2001-04/ZADMAPL, was received having been published in *The St. Augustine Record* on November 28, 2002.

Laura Pierle, Court Reporter, was present.

Rosemary Yeoman, Zoning Manager, Development Services Division, reviewed this item, utilizing visual display, stating that this request is an appeal to Denial of Tower 2002-04 by the Planning and Zoning Agency for a telecommunication tower to be constructed on a parcel of land located south of SR 206, South of Cypress Point Drive and East of the FPL easement. (1:58 p.m.) Michael Hunt, Assistant County Attorney, entered the meeting. Bryant mentioned that this is the second time that they were not happy with the way things were recommended to the Board from the PZA. Lopez explained the Findings of Fact issue. Discussion followed on the construction of the tower requiring a special use, the tower sites and zone map, what would happen if this site was approved, where the nearest existing tower to the site was located, and the height of the tower being chosen to service all three tower zones that were shown on the tower zone map.

(2:13 p.m.) Barry Magrill, 6809 Medellin Court, Jacksonville, County's Tower Analyst, utilizing visual display, explained the different towers and where they are located, Exhibit "A." He explained how the service worked from the towers. Stern questioned the height of the existing towers. Magrill spoke on the tower zones and the second tower that was being proposed today. Bryant asked how many potential users there were in that area. Magrill responded.

(2:26 p.m.) Karl Sanders, 200 North Laura Street, Jacksonville, requested the opportunity to rebut any testimony in opposition to the application and requested that

any witnesses be sworn in before they give their testimony. Lopez responded that they don't require that witnesses be sworn in, but if a witness wants to be sworn in, she will do it. Sanders gave an overview of the site and touched on some of the legal issues, utilizing visual display. He spoke on the special antenna tower zones, antenna towers being permitted as a special use, the burden of proof, the Federal Telecommunications Act, and what constitutes a decision that has the effect of prohibiting personal wireless service. He explained the Federal Telecommunication Act, utilizing a map with visual display, indicating the tower zones, stated that they have done exactly what the County asked them to do, reported that he had copies of Magrill's reports, and spoke on environmental issues. A backup packet was submitted from the presentation by Karl Sanders including: letters regarding the tower site, maps, an ERS Report, and information from the February 8, 2000 BCC Meeting, Exhibit "B."

(2:53 p.m.) Lopez swore in David Boeff, 6170 Highway A1A South, #104. He spoke on the location of the site and explained why they were applying for Site #7. He read into the record a letter dated December 17, 2002 from Gian Basill, Hidden Creek Homeowners' Association, Exhibit "C." Discussion followed on getting service to this area, and this tower eliminating the two towers along the beach. (3:00 p.m.) Hunt left the meeting.

(3:07 p.m.) Lopez swore in Gerald Muldowney, 19 SW 2nd Street, Gainesville. Muldowney gave his credentials and gave a presentation on the Towercom SR 206 proposed wireless telecommunications facility photographic simulations, December 2002, Exhibit "D." Discussion followed on the difference between a differential GPS and a standard GPS, on Muldowney's credentials and the location of the proposed tower site. (3:16 p.m.) Hunt returned to the meeting.

(3:18 p.m.) Terry Bottom, 6916 Cypress Lakes Court, commented in opposition to the construction of the tower.

(3:27 p.m.) Frankie Briggs, 6925 Cypress Lakes Court, commented in opposition to the construction of the tower.

(3:31 p.m.) Sue Bottom, 6916 Cypress Lakes Court, commented in opposition to the construction of the tower.

(3:33 p.m.) Gordon Lohman, 7648 A1A South, was sworn in, and commented in opposition to the construction of the tower.

(3:34 p.m.) Doris Davis, 31 Orange Avenue, commented in opposition to the construction of the tower.

(3:37 p.m.) Patrick Hamilton, 201 Owens Avenue, Crescent Beach, commented in opposition to the construction of the tower. Discussion followed on placing the tower on a different site.

(3:57 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing The Audubon Society of St. Johns County, commented in opposition to the construction of the tower. He spoke on the Rayonier St. Johns County Map, Exhibit "E"; and the Habitat Management Guidelines for the Wood Stork in the Southeast Region, Exhibit "F". He stated that he requested that the County limit the height of radio towers to under 200 feet, and he requested that the Board not to support this application. Discussion followed on Van Ghent's objection to the tower relating to the Wood Stork. Roger Van Ghent was sworn in and he affirmed everything that he said up to this point was true to the best of his knowledge. Discussion followed on the height of the tower.

(4:17 p.m.) George Overfelt, 6916 Cypress Spring Court, commented in opposition to the construction of the tower.

(4:23 p.m.) Stern informed the Board of a letter from Gian Basill, President of Hidden Creek Homeowners Association in opposition to the tower, presented as Exhibit "C" earlier. She also submitted a letter for the record from William Morgan in opposition to the construction of the tower, Exhibit "G". Stern asked several questions of Yeoman; to which, she responded.

(4:35 p.m.) The applicant's representative, Karl Sanders, made closing statements and presented for the record the following items: a map created by Debbie Willis for tower zone purposes only, Exhibit "H"; an audio tape of the 02/08/2000 BCC meeting, Exhibit "I"; a video tape of the 10/03/02 Planning and Zoning meeting, Exhibit "J"; and a page from the Land Development Code, Sec. 2.03.25 Antenna Towers, Exhibit "K". Bryant commented that he would support a monopole at 199 feet. Maguire commented on the public talking about solid facts and not slandering the staff. He questioned getting a variation of coverage because of the coastline, and the signal strength, to which Sanders responded. Maguire questioned if a tower would have to be located in the gap or if it was just a case of providing service. Lopez responded that it was a service issue. Stern questioned Magrill, as to whether they had taken into consideration in their studies the other tower sites south of St. Johns County in Flagler County. Magrill responded that he had not taken into consideration the towers in Flagler County. Bryant asked if the applicant offers a reduced height limit, could the Board consider it. Lopez replied that the Board could consider it. She suggested that the Board could add an additional sentence that the applicant has volunteered to reduce the height to 199 feet. Jacalone requested verification that if the height was reduced, would the beach area be serviced. Magrill explained the footprint coverage of 199 feet over 250 feet. Jacalone stated that he would not support a tower closer to the intercoastal than what is being proposed here today. Stern asked if the Board approved a 199 foot tower at this site, once the tower is built, would it eliminate Tower Sites 5, 6, and 7. Magrill replied yes it would eliminate the need for them. Yeoman stated that if the Board was inclined to accept the maximum tower height of 199 feet that has been offered, she would request that Sanders put on record that he accepts that the tower would be a 199 foot monopole with an antenna and is not to be lighted. Also if this is going to be accepted to eliminate the tower zone, that they be subject to the special tower zone requirements of construction within the prescribed time of the Land Development Code. Sanders replied yes. Lopez stated that she, Magrill, and Yeoman would come back before the Board at another point in time to revise those tower zones and amend the Ordinance formally and get rid of the other tower sites. (4:55 p.m.) **Motion by Meiszer, seconded by Maguire, to deny the appeal, affirm the PZA decision and adopt the Findings of Fact 1, 2, 4, and 5.**

Roll Call Vote

Maguire	nay
Bryant	nay
Meiszer	aye
Stern	nay
Jacalone	nay

The motion failed 1/4 with Maguire, Bryant, Stern and Jacalone dissenting.

(5:09 p.m.) **Motion by Jacalone, seconded by Stern, carried 3/2 by roll call vote, to approve the appeal, reversing the decision of the Planning and Zoning Agency, approving the location for the telecommunication tower, adopting the Findings to**

support the motion that are contained in the packet and the conditions for approval, adding condition #5 a maximum height of 199 feet and the other conditions illustrated by Yeoman, monopole and non-lighting.

Roll Call Vote

Bryant aye
Meiszer nay
Stern aye
Jacalone aye
Maguire nay

The motion passed 3/2 with Meiszer and Maguire dissenting.

Lopez and Hunt left the meeting and Daniel Bosanko, Deputy County Attorney, entered the meeting.

The meeting recessed at 5:11 p.m. and reconvened at 5:15 p.m.

(12/17/02 - 15 - 5:15 p.m.)

9. PUBLIC HEARING - REZ 2002-24 FOURTH STREET/VILANO REZONING (CONTINUED FROM DECEMBER 10, 2002). 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. THE PLANNING DIVISION HAS ROUTED THIS REQUEST TO ALL APPROPRIATE REVIEWING DEPARTMENTS. THERE ARE OUTSTANDING COMMENTS FROM THE PLANNING DIVISION RELATED TO THE REZONING.

Proof of publication of Notice of Public Hearing on REZ 2002-24 Fourth Street/Vilano, was received having been published in *The St. Augustine Record* on November 25, 2002. Danielle Mayoros, Planner II, reviewed this item utilizing visual display, stating 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. Bryant asked questions about the black mangos, and the historical aspect of the landing site, with Mayoros responding to his questions. Discussion followed on using this property for CHT and if it has been through a concurrency review.

(5:29 p.m.) Walter Girvin, 2158 Pope Avenue, South Daytona, spoke on the history of the land in question. He stated that he does not know how it became zoned CHT.

(5:34 p.m.) Stacey Netherland, 3000 First Street, spoke on being a professional painter and painting pictures of this area, there being no public space left to enjoy the view and leaving one little historical area open.

(5:37 p.m.) Patricia Longo, 161 Surfside Avenue, voiced concern on the nibbling away of public land in favor of new development, utilizing public display of an aerial map dated 1904, Exhibit "A". She voiced concern about burying our history by covering it up with development.

(5:45 p.m.) Pricilla Davis, 165 Meadow Avenue, spoke on the zoning of the land, having public access to the land, and feeling like there is a conflict of interest among the Board. She mentioned that someone had bulkheaded a road and did not understand how they got permission to do it. Meiszer replied that they were investigating that right now and stated that he had asked for an evaluation of how that had happened. She asked the Board to please deny this zoning change.

(5:56 p.m.) Douglas Speed, 215 South Ocean Grande Drive, South Ponte Vedra Beach, spoke on the land in question.

(5:59 p.m.) Doug Crane, Jr., 3105 Fourth Street, stated that it would be best for the community if it was rezoned and would be helpful having some nice homes in there.

(6:00 p.m.) Ric Devere, 157 Sherwood Avenue, gave a presentation on the request for denial: Surfside/4th St. Rezoning, REZ2002-24, requested by residents of Vilano Beach and other concerned citizens, Exhibit "B" and "C". Discussion followed on changing the rezoning, the property not being used if not rezoned, and the property being developed regardless.

(6:25 p.m.) Gary Davenport, 3266 Pacetti Road, representing the owner Walter Girvin, spoke on ownership and the property being developable. Meiszer questioned if this property was in the Vilano CRA area. (6:29 p.m.) Tom Crawford, Director of Housing, replied that he believed that this was included in the CRA. Davenport stated that they were asking for a straight rezoning. Maguire questioned if this was part of the overlay district. Mayoros responded. Bosanko advised on some of the items with legal advice; (1) no public right to view across private land, (2) vision plans are not enacted laws that limit the use of property, but are only guidelines for development of such laws in the future, (3) there are no variances to the Comp Plan, and to summarize that this is a rezoning and the supreme court of Florida has set out how these decisions are to be made by the Board. Jacalone disclosed having ex-parte conversation with Mrs. Davis on ownership issues, access issues, and the neighborhood characteristics; Mike Dolan on the different intensities of the uses of CHT versus RS-3. Bryant disclosed having ex-parte communication with some of the officers of the North Shores Community Association and they stated that they had no opposition to this rezoning. Meiszer questioned if the existing CHT Zoning met the Comp Plan or if the Residential Zoning conforms to the Comp Plan. Bosanko responded. (6:42 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/1, with Meiszer opposed, to enact Ordinance 2002-75, known as REZ 2002-24 Fourth Street/Vilano Rezoning adopting Findings 1 through 4 contained within the package to support the motion.**

ORDINANCE NO. 2002-75

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF COMMERCIAL
HIGHWAY AND TOURIST (CHT) TO RESIDENTIAL
SINGLE FAMILY (RS-3) MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING AN
EFFECTIVE DATE

(12/17/02 - 16 - 6:45 p.m.)

10. PUBLIC HEARING - MAJMOD 2001-03 BENNETT BUILDING (ST. AUGUSTINE SHORES PUD). THE SUBJECT PROPERTY IS LOCATED AT 45

ANDORA STREET (AT ITS INTERSECTION WITH US 1) AND IS COMPRISED OF 0.52 ACRES. THIS REQUEST SEEKS TO MODIFY THE APPROVED PUD TO RE-DESIGNATE THE USE OF THE SUBJECT PARCEL, LOT Q, BLOCK 17, ST. AUGUSTINE SHORES, UNIT 1 FROM SINGLE FAMILY RESIDENTIAL TO BUSINESS AND COMMERCIAL FOR THE DEVELOPMENT OF 6,240 SF BUILDING AS DEPICTED ON THE MASTER DEVELOPMENT PLAN. THE FINAL CERTIFICATE OF CONCURRENCY, CONMIN 2001-12, IS APPROVED FOR 3,400 SF OF GENERAL OFFICE SPACE AND 3,400 SF OF SPECIALTY RETAIL. ACCESS WILL BE PROVIDED FROM U.S. 1 AND ANDORA STREET. WATER AND SEWER SERVICE IS PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PROJECT WILL DEVELOP IN ONE PHASE COMMENCING WITHIN THREE YEARS AND COMPLETING WITHIN two YEARS. COMMENCEMENT SHALL BE DEFINED AS APPROVAL OF CONSTRUCTION PLANS AND COMPLETION DEFINED AS SUBMITTAL OF AS-BUILTS. STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR NOVEMBER 21, 2002 MEETING WITH A VOTE OF 5-1.

Proof of publication of Notice of Public Hearing on MAJ MOD 2001-03, 45 Andora Street, Bennett Building, was received having been published in *The St. Augustine Record* on November 29, 2002.

Mayoros reviewed this item, utilizing visual display, stating that this is a request that seeks a major modification to the Shores PUD, Ordinance No. 79-73, as amended, to re-designate the use of lot Q, Block 17, of St. Augustine Shores, Unit 1 from Single Family Residential to Business and Commercial for development of a 6,240 square foot building as depicted on the Master Development Plan.

(6:47 p.m.) Karen Taylor, 3070 Harbor Drive, on behalf of Mr. Bennett, spoke on the land in question. She presented a map site plan, Exhibit "A". Discussion followed on the size of the buffer to separate the residential area. Mayoros turned in an adjacent property owner response form from Terrence Brannen in favor of the application, Exhibit "B". Jacalone and Bryant disclosed having ex-parte communication with Mr. Bennett about this project in general conversation. (6:55 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance 2002-76, known as MAJMOD 2001-03, Bennett Building, adopting Findings 1 through 6 contained within the packet to support the motion.**

ORDINANCE NO. 2002-76

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE ST. AUGUSTINE SHORES PUD, ORDINANCE NUMBER 79-73, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 6:56 p.m. and reconvened at 7:02 p.m.

(12/17/02 - 17 - 7:02 p.m.)

11. PUBLIC HEARING - REZ 2002-28 ST. JOHNS COUNTY COMPLEX AND SHERIFF'S COMPLEX. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 65.38 ACRES, LOCATED AT 4015 AND 4020 LEWIS SPEEDWAY FROM OPEN

RURAL (OR), INDUSTRIAL WAREHOUSING (IW) AND RESIDENTIAL SINGLE FAMILY (RS-3) TO PUBLIC SERVICE (PS). THIS ZONING CHANGE ALLOWS THE COUNTY TO UTILIZE THE PUBLIC SERVICE ZONING CATEGORY INCLUDED IN THE LAND DEVELOPMENT CODE (LDC) AT ITS INDUCTION FOR GOVERNMENT AND PUBLIC SERVICES. THE PUBLIC SERVICE CATEGORY AFFORDS GREATER COMPATIBILITY WITH THE PUBLIC (P) FUTURE LAND USE DESIGNATION. THE CURRENTLY DEVELOPED CORRECTIONAL FACILITY IS NOT CURRENTLY AN ALLOWABLE USE IN THE PS ZONING DISTRICT. THEREFORE, THE CORRECTIONAL FACILITY WILL BE CONSIDERED A NON-CONFORMING USE. HOWEVER, IT IS THE COUNTY'S DESIRE TO REZONE ALL OF ITS USES AT THIS LOCATION TO PUBLIC SERVICE FOR CONSISTENCY. IT IS THE INTENT OF THE COUNTY TO MODIFY THE LDC TO ALLOW CORRECTIONAL FACILITIES WITHIN THE PS ZONING CATEGORY. THEREFORE, THIS REZONING IS THE FIRST STEP IN THE PROCESS OF BRINGING THE COUNTY COMPLEX INTO COMPLIANCE WITH THE CURRENT REGULATIONS. THE REZONING TO PUBLIC SERVICE WILL ALSO PROVIDE THE ABILITY TO CONSTRUCT 6,900 SF OF DETECTIVES' OFFICE, WITHIN EXISTING IMPERVIOUS AREAS. THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. THIS ITEM WAS SCHEDULED TO BE HEARD BY THE PLANNING AND ZONING AGENCY (PZA) ON DECEMBER 5, 2002. THIS MEETING DID NOT HAVE A QUORUM AND THE ITEM WAS CONTINUED TO A SPECIAL MEETING TO BE HELD ON DECEMBER 16 AT 1:30 p.m. THE PZA RECOMMENDATION WAS PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING

Proof of publication of Notice of Public Hearing on REZ 2002-28, 4015 Lewis Speedway, St. Johns County Complex and Sheriff's Complex, was received having been published in *The St. Augustine Record* on November 20, 2002.

Bruce Ford reviewed this item, utilizing visual display, using a zoning map, stating this request seeks to rezone approximately 65.38 acres from OR, IW, RS-3 to PS. Ford stated this was brought about because of the proposed expansion of the jail. (7:05 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance 2002-77, known as REZ 2002-28 St. Johns County Complex and Sheriff's Complex Rezoning adopting Findings contained within the information packet 1 through 4.**

ORDINANCE NO. 2002-77

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR), INDUSTRIAL WAREHOUSING (IW) AND RESIDENTIAL SINGLE FAMILY (RS-3) TO PUBLIC SERVICE (PS) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(12/17/02 - 18 - 7:07 p.m.)

12. PUBLIC HEARING - MAJMOD 2002-13-SUMMERSET VILLAGE (PREVIOUSLY MOULTRIE VILLAGE PUD). THE SUBJECT PROPERTY IS LOCATED AT 5905 U.S. 1 SOUTH AND IS COMPRISED OF 26.44 ACRES. THE APPLICANT HAS REQUESTED MODIFICATIONS TO THE ORIGINAL DEVELOPMENT PLAN,

INCLUDING: RENAMING THE PROJECT SUMMERSET VILLAGE, REVISING THE USE TO INCLUDE 132 ELDERLY AFFORDABLE AND 84 FAMILY AFFORDABLE UNITS, MODIFYING THE PHASING TO INCORPORATE ALL OF THE DEVELOPMENT INTO ONE (1) PHASE AND MODIFYING THE MASTER DEVELOPMENT PLAN DETAIL. THE PROJECTED POPULATION FOR THIS PROJECT IS 527 PERSONS, WITH 31 SCHOOL AGE CHILDREN. ACCESS WILL BE PROVIDED BY U.S. 1 SOUTH. WATER AND SEWER SERVICE WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. A MINIMUM OF 1.61 ACRES OF RECREATION WILL BE PROVIDED, WITH A PORTION GEARED TOWARD BOTH THE ELDERLY AND THE FAMILY RESIDENTS. THE PROJECT WILL BE DEVELOPED IN ONE (1) PHASE OVER A PERIOD OF FIVE (5) YEARS. STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION, SUBJECT TO THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS FOR THE WAIVERS REQUESTED. THIS ITEM WAS SCHEDULED TO BE HEARD BY THE PLANNING AND ZONING AGENCY (PZA) ON DECEMBER 5, 2002. THIS MEETING DID NOT HAVE A QUORUM AND THE ITEM WAS CONTINUED TO A SPECIAL MEETING TO BE HELD ON DECEMBER 16 AT 1:30 P.M. THE PZA RECOMMENDATION WAS PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING.

Proof of publication of Notice of Public Hearing on File # MAJMOD 2002-13 5905 Summerset Village, U.S. 1 South, was received having been published in *The St. Augustine Record* on December 7, 2002.

Ford reviewed this item, utilizing visual display, using the zoning map, stating the request is to modify the original development plan and to change the name to Summerset Village, to reduce the total amount of units from the previously approved 230 to the proposed 216 units, change the building type to accommodate the type of use that they want there, and revise the phasing from two phases to one phase. The applicant is requesting one waiver, within the 132 elderly unit portion of this project; they want to have one parking space per unit. Maguire asked what type of recreation would be there. Taylor replied that there would be two different recreation areas, one portion for elderly and one portion for traditional family. Maguire questioned what kind of transportation would be available. Taylor replied the transportation available would be the Sunshine Bus Company and that they would also accommodate the deaf elderly and deaf families. She presented the site plan, Exhibit "A". (7:13 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to approve Ordinance No. 2002-78, known as MAJMOD 2002-13 Summerset Village adopting Findings 1 through 6 contained within the packet to support the motion.**

ORDINANCE NO. 2002-78

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MOULTRIE VILLAGE PUD, ORDINANCE NUMBER 2001-07, AS AMENDED, (NOW KNOWN AS SUMMERSET VILLAGE) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(12/17/02 - 19 - 7:14 p.m.)

13. WAIVER OF FILING FEES FOR NON ZONING VARIANCE 2002-024. THE REQUEST IS BEING PRESENTED BY STAFF ON BEHALF OF THE PROPERTY OWNER IN ORDER TO ALLOW THE RESOLVE OF A SITUATION THAT HAS

PLACED THE OWNER AND OCCUPANTS OF THE PROPERTY IN A POSITION OF BEING IN VIOLATION OF THE CODES AND PERMITTING REQUIREMENTS. THE PROPERTY OWNERS RELIED ON THE MOBILE HOME MOVING BUSINESS TO PROCEED WITH APPROPRIATE PERMITS TO PLACE MOBILE HOMES ON PROPERTY THAT WAS ALSO OCCUPIED BY A HOME. NO PERMITS WERE OBTAINED FOR THE INSTALLATIONS. THIS OCCURRED PRIOR TO 1987 AND SINCE THAT TIME THE OCCUPANTS HAVE NOT HAD APPROPRIATE FACILITIES OR APPROPRIATE INSPECTIONS TO PROVIDE SUBSTANTIAL HOUSING. SINCE THE PROPERTY IS NOT LARGE ENOUGH TO ALLOW THE THREE EXISTING UNITS ON THE PROPERTY WITH THE CURRENT ZONING, STAFF IS PROCEEDING WITH A REZONING REQUEST, SPECIAL USE PERMIT AND NON-ZONING VARIANCE TO PERMIT THE SITE TO BE LEGALLY CONFORMING. BILL LAZAR OF THE ST. JOHNS HOUSING PARTNERSHIP IS WORKING WITH THE OWNERS AND OCCUPANTS TO PROVIDE THE NECESSARY ASSISTANCE TO BRING THE UNITS INTO COMPLIANCE AND PROVIDE APPROVED HOUSING. RESOLUTION 2002-203 ALLOWS THE BCC TO WAIVE FEES IF IT IS IN THE BEST INTEREST OF THE COUNTY AND WILL SERVE A PUBLIC PURPOSE. STAFF RECOMMENDS TO RESOLVE THIS SITUATION BY PROVIDING ASSISTANCE WITH THE WAIVER WILL SUPPORT THE EFFORTS OF THE COUNTY TOWARD ENHANCING THE HOUSING STANDARDS OF THE COUNTY. FEE WAIVERS WERE GRANTED BY THE BCC FOR THE REZONING AND SPECIAL USE PERMITS ON AUGUST 6, 2002.

Bryant questioned if Items 13, 14 and 15 could be tied together because one is continued on the other. Don Hallman, Development Services, replied that he would be doing Items 13 and 14 and Ford would be doing Item 15, but he should be able to tie them all together from his discussion. He reviewed this item, utilizing visual display, stating that this request is seeking the waiver of filing fees for Item 14. Hallman stated that the property is not large enough to accommodate the three existing units on the property with the current zoning and Staff is proceeding with a rezoning request, Special Use Permit and the non-zoning variance to permit the site to be legally conforming. He mentioned that Item 14 is the non-zoning variance. Meiszer questioned how much the fee was that they were requesting to be waived. Hallman replied that the request is to waive the fee requirements for applying for the non-zoning variance in the amount of \$200. He mentioned by waiving the fee, it would facilitate the transition of a long standing housing and zoning non-compatibility or non-conformity to a state of compliance. (7:18 p.m.) Bill Lazar, 225 West King Street, Executive Director of the St. Johns Housing Partnership, explained the reason for waiving the fee. Bryant asked if it was a financial hardship on the families. Lazar responded that all three families are under very low income, so it would cause a financial hardship. Discussion followed on if the tax assessment would go up on the property. (7:23 p.m.) Hallman continued with Item 14. Jacalone stated that this is an example of the County going out of its way to help the people who live here. (7:25 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to approve the waiver of filing fees for a non-zoning variance finding the request in compliance with Resolution No. 2002-203, in that it is in the best interest of the County and will serve a public purpose because the families are living in substandard housing and have limited incomes to make repairs.**

(12/17/02 - 20 - 7:27 p.m.)

14. PUBLIC HEARING - NZVAR 02-0024 TAYLOR REZONING. THIS IS A NON-ZONING VARIANCE REQUEST TO THE WATER CONNECTION

REQUIREMENTS (SECTION 6.04.11) OF THE LAND DEVELOPMENT CODE. THE APPLICANT (BILL LAZAR WITH THE ST. JOHNS HOUSING PARTNERSHIP) REPRESENTS THE OWNERS OF A 2.2 ACRE PARCEL OF LAND WITH 3 RESIDENTIAL UNITS LOCATED ON SR 207. IN AN EFFORT TO BRING THE PROPERTY INTO COMPLIANCE, A REZONING IS REQUIRED. SECTION 6.04.11 OF THE LDC REQUIRES AN OWNER TO CONNECT TO CENTRAL WATER WHEN PROPERTY IS REZONED AND A CENTRAL WATER LINE IS WITHIN A ½ MILE OF THE PROPERTY. A COUNTY WATER MAIN IS LOCATED WITHIN THE SR 207 RIGHT-OF-WAY ADJACENT TO THE PROPERTY. OTHER THAN THE REQUIREMENTS OF THE LDC, STAFF HAS NO OTHER OBJECTIONS

Proof of publication of notice of Public Hearing on File # NZVAR 02-0024, 3225 SR 207, Taylor Rezoning, was received having been published in *The St. Augustine Record* on November 20 and 27, 2002.

This item was discussed under Item 13. **Motion by Jacalone, seconded by Stern, carried 5/0, to approve NZVAR 2002-0024 based upon the evidence provided for all of the Five Findings of Fact contained in the Staff Report in the packet.**

(12/17/02 - 21 - 7:27 p.m.)

15. PUBLIC HEARING - REZ 2002-22 TAYLOR REZONING. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 2.3 ACRES, LOCATED AT 3225 STATE ROAD 207 FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-2) IN AN ATTEMPT TO BRING THE EXISTING STRUCTURES INTO COMPLIANCE. THE PROPERTY CURRENTLY CONTAINS THREE DWELLING UNITS, TWO OF WHICH ARE MOBILE HOMES. THE PROPERTY OWNERS RELIED ON A MOBILE HOME MOVING BUSINESS TO OBTAIN THE APPROPRIATE PERMITS FOR THE PLACEMENT OF THE TWO (2) MOBILE HOMES. THIS OCCURRED PRIOR TO 1987 AND SINCE THAT TIME THE RESIDENTS HAVE NOT HAD APPROPRIATE FACILITIES OR INSPECTIONS TO PROVIDE ADEQUATE AND SUBSTANTIAL HOUSING. UNDER THE CURRENT OR ZONING REQUIREMENTS, THE PROPERTY IS NOT LARGE ENOUGH TO ALLOW THE THREE DWELLINGS; THEREFORE A REZONING TO RS-2 HAS BEEN REQUESTED. SUBJECT TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF THE REQUESTED NON-ZONING VARIANCE TO LDC SECTION 6.04.11 (NZVAR 2002-24), THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. THIS ITEM WAS SCHEDULED TO BE HEARD BY THE PLANNING AND ZONING AGENCY (PZA) ON DECEMBER 5, 2002. THIS MEETING DID NOT HAVE A QUORUM AND THE ITEM WAS CONTINUED TO A SPECIAL MEETING TO BE HELD ON DECEMBER 16 AT 1:30. THE PZA RECOMMENDATION WAS PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING.

Proof of publication of Notice of Public Hearing on REZ 2002-22 3225, State Road 207, Taylor Rezoning, was received having been published in *The St. Augustine Record* on December 7, 2002.

Ford reviewed this item, stating that this would remove the non-conformity because of the three structures on the under size parcel and the zoning will go from OR to RS-2. Stern disclosed having ex-parte communication with Bill Lazar on St. Johns County housing standards and substandard housing. (7:28 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2002-79, known as REZ 2000-**

22, Taylor Rezoning, adopting Findings of Fact 1 through 4 that are contained in the information packet to support the motion.

ORDINANCE NO. 2002-79

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF OPEN RURAL (OR) TO
RESIDENTIAL SINGLE FAMILY (RS-2) MAKING
FINDINGS OF FACT; REQUIRING RECORDATION;
AND PROVIDING AN EFFECTIVE DATE

(12/17/02 - 22 - 7:29 p.m.)

16. CONSIDER APPOINTMENTS TO THE CODE ENFORCEMENT BOARD

Patsy Heiss, Assistant to the County Administrator, stated this item was regarding two vacancies for regular memberships to the Code Enforcement Board and that there were two alternates that meet the requirements. (7:29 p.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to move Judy Stevanovich from the Alternate position to the General Public Vacancy on the Code Enforcement Board to complete a term scheduled to expire February 20, 2004. (7:30 p.m.) Motion by Maguire, seconded by Jacalone, carried 5/0, to approve the slate for the other two positions as presented by Heiss, move Thomas H. Peckenhams from the Alternate position to the Regular Contractor vacancy on the Code Enforcement Board to complete a term scheduled to expire November 14, 2003, and to appoint Edward Farley to the Alternate General Public position on the Code Enforcement Board to an initial a one-year term scheduled to expire January 7, 2004.**

(12/17/02 - 22 - 7:31 p.m.)

17. CONSIDER APPOINTMENTS TO THE MID-ANASTASIA OVERLAY
DISTRICT DESIGN REVIEW BOARD

Heiss mentioned there were two positions available (7:34 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to appoint Esther Marshall to a term to expire December 17, 2004, and Thomas Ingle to a term to expire December 17, 2004.**

(12/17/02 - 22 - 7:35 p.m.)

18. CONSIDER APPOINTMENTS TO THE NORTH COASTAL OVERLAY
DISTRICT DESIGN REVIEW BOARD

Heiss stated that three members' terms recently expired and all are eligible for reappointment. There were no other qualified applications received. **Motion by Jacalone, seconded by Stern, carried 5/0, to reappoint Jim Lucas, Derick Woolverton, and Scott McAskill to the positions indicated within the information package.**

(12/17/02 - 22 - 7:35 p.m.)

19. ACCEPT APPLICATIONS FOR REVIEW FOR APPOINTMENTS TO THE
TOURIST DEVELOPMENT COUNCIL

The Board accepted the applications for consideration.

(12/17/02 -22 - 7:35 p.m.)

20. ACCEPT APPLICATIONS FOR REVIEW FOR APPOINTMENTS TO THE
AMPHITHEATER BOARD OF DIRECTORS

The Board accepted the applications for consideration.

(12/17/02 - 23 - 7:35 p.m.)

21. ACCEPT APPLICATIONS FOR REVIEW FOR APPOINTMENTS TO THE CATEGORY II ARTS/GRANTS FUNDING PANEL

The Board accepted the applications for consideration.

(12/17/02 - 23 - 7:35 p.m.)

22. ACCEPT APPLICATIONS FOR REVIEW FOR APPOINTMENTS TO THE HISTORIC RESOURCE REVIEW BOARD

The Board accepted the applications for consideration.

(12/17/02 - 23 - 7:35 p.m.)

23. ACCEPT APPLICATIONS FOR REVIEW FOR APPOINTMENTS TO THE NORTHWEST COMMUNICATIONS TOWER CITIZENS ADVISORY BOARD

The Board accepted the applications for consideration.

(12/17/02 - 23 - 7:35 p.m.)

24. ACCEPT APPLICATIONS FOR REVIEW FOR AN APPOINTMENT TO THE HEALTH AND HUMAN SERVICES ADVISORY COUNCIL

The Board accepted the applications for consideration.

(12/17/02 - 23 - 7:35 p.m.)

25. ACCEPT APPLICATIONS FOR REVIEW FOR AN APPOINTMENT TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD

The Board accepted the applications for consideration.

(12/17/02 - 23 - 7:36 p.m.)

- 25A. MOTION TO ADOPT **RESOLUTION NO. 2002-275**, APPROVING THE DONATION OF PROPERTY, THE RESPONSIBILITY FOR CLOSING COSTS, TEMPORARILY LICENSING SUCH PROPERTY TO MR. MIZELL, AND APPROVING PAYMENT FROM CTF RESERVES FUND #1131-59920 FOR THE FUTURE CONSTRUCTION OF THE 312 EXTENSION. (*From Consent Item 4*)

Meiszer questioned paying a real estate commission of \$23,600, when the property was donated to the County. Bryant asked if the Board doesn't pass this as presented, would Mr. Mizell back out of donating the right-of-way to the County. Mary Ann Blount, Real Estate Manager, replied that the real estate commission would be a part of the required closing cost, if the donation of the property were to be offered. Discussion followed on the real estate commission, the evaluation of the donation, and if this item should had been on the Consent Agenda. (7:43 p.m.) Michael Hunt, Assistant County Attorney, entered the meeting. (7:45 p.m.) **Motion by Jacalone, seconded by Bryant, carried 3/2, with Maguire and Stern opposed, to adopt Resolution 2002-275, approving the donation of property, the responsibility for closing costs, temporarily licensing such property to Mr. Mizell, and approving payment from CTF Reserves Fund #1131-59920.**

RESOLUTION NO. 2002-275

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE DONATION OF PROPERTY FOR THE FUTURE CONSTRUCTION OF THE 312 EXTENSION

(12/17/02 - 24 - 7:49 p.m.)

- 25B. MOTION TO ALLOW THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT UNDER BID. NO. 03-15, DEMOLITION AND REMOVAL FOR DEVELOPMENT SERVICES, WITH SOUTHERN ENTERPRISES GROUP, INC., AMERICAN DEBRIS SERVICES AND CROSS-ENVIRONMENTAL SERVICES. SOUTHERN ENTERPRISES GROUP, THE LOW BIDDER, WILL BE THE PRIMARY OR FIRST CHOICE CONTRACT; AMERICAN DEBRIS SERVICES THE SECOND CHOICE CONTRACTOR, AND CROSS ENVIRONMENTAL SERVICES THE THIRD CHOICE CONTRACTOR. (From Consent Item 11) (See Attachment "E")

Maguire stated that he pulled this item off of the Consent Agenda, questioning the bid and how it was done. Joe Burch, Purchasing Manager, responded. (7:52 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to allow the County Administrator, or his designee, to enter into contract under Bid No. 03-15 with Southern Enterprises Group, Inc. The low bidder would be the primary of first choice contractor, American Debris Services, the second choice contractor, and Cross Environmental Services, the third contractor.**

(12/17/02 - 24 - 7:53 p.m.)

- 25C. RESOLUTION APPROVING A SUBDIVISION PLAT FOR PONTE VEDRA SHORES WEST LOT 31 REPLAT (Added on to the Regular Agenda)

Kathy Nielsen, Applications Review Coordinator, Development Services Division, reviewed this item, stating that it was inadvertently left off of the Consent Agenda and to keep the Hares from having to get the dates and signatures again on the mylar, it was added to the Agenda. She stated that this was a replat of an existing platted lot in the Ponte Vedra Shores West Subdivision and the applicant wishes to divide his lot into two parcels allowing for the development of the western portion. (7:54 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2002-276 approving a plat for Ponte Vedra Shores West, Lot 31 Replat.**

RESOLUTION NO. 2002-276

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR PONTE VEDRA SHORES WEST, LOT 31 REPLAT

(12/17/02 - 24 - 7:55 p.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer spoke on the surplus land at the Eagle Creek Subdivision. He requested to place it on the January Agenda to consider declaring it surplus and turning it over to the property owners.

Meiszer spoke on efforts to save the Ponce de Leon Golf Course. He requested the Board's support in meeting with various people to explore whether or not the golf course can be saved with no financial obligation to the County. Jacalone stated that he approved of supporting of the golf course. Discussion followed by the Commissioners.

(8:03 p.m.)

Commissioner Stern:

No report.

(8:03 p.m.)

Commissioner Bryant:

Bryant announced that there is a Special BCC Meeting scheduled for December 30, at 9:00 a.m. to take care of the Cash Requirement Report.

(8:04 p.m.)

Commissioner Jacalone:

No report.

(8:04 p.m.)

Commissioner Maguire:

Maguire gave an update on talks with the City about working out something with the COA.

(12/17/02 - 25 - 8:05 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams mentioned a piece of information they got from the *Orlando Sentinel* regarding Governor Bush preparing to revamp State Government and the Governor is almost certain to dismantle the Department of Community Affairs that oversees land development in 67 counties. Bush acknowledged that the departments land planning duties should be put under the Secretary of State and it is rumored that Mara Hood from Orlando would possibly get that position.

(12/17/02 - 25 - 8:06 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko reported that the Administrative Law Judge in the Estuaries Case has ruled in favor of the County.

(12/17/02 - 25 - 8:07 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Jacalone, seconded by Bryant, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 8:07 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register Disbursement Fund, Check #328052 through #328053. (12/05/02)

2. St. Johns Board of County Commissioners Check Register Disbursement Fund, Check #328215 through #328235. (12/12/02)

CORRESPONDENCE:

1. Letter dated November 21, 2002 from the St. Johns River Water Management District regarding Year 2003 Governing Board Meeting Schedule.
2. Letter dated December 9, 2002 to Mrs. Liz Cloud, Chief, Bureau of Administrative Code regarding filing St. Johns County Ordinance No. 2002-69.

Approved January 21, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Wendee King
Deputy Clerk

