

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
MARCH 11, 2003  
(9:00 A.M.)**

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

Present were: James E. Bryant, District 5, Chair  
Nicholas Meiszer, District 1  
Marc Jacalone, District 3  
Bruce Maguire, District 4  
David Halstead, Assistant County Administrator  
Daniel Bosanko, County Attorney  
Yvonne King, Deputy Clerk

Also present were: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director; Michael Hunt, Assistant County Attorney; and James Sisco, Assistant County Attorney. Commissioner Karen Stern arrived later in the meeting.

(03/11/03 - 1 - 9:07 a.m.)

Chairman Bryant called the meeting to order.

(03/11/03 - 1 - 9:07 a.m.)

Maguire gave the Invocation. Bryant led the Pledge of Allegiance.

(03/11/03 - 1 - 9:07 a.m.)

ROLL CALL

Bryant stated that all Commissioners were present except Commissioner Stern. Stern entered the meeting at 9:08 a.m.

(03/11/03 - 1 - 9:08 a.m.)

PUBLIC COMMENTS

Dante Salamone, 5225 Datil Pepper Road, expressed his concerns with the entrance and exit from the West Gate Plaza off of SR 16. Salamone then expressed concern with the lack of street lighting in the U.S. 1 South area near Watson Road.

(03/11/03 - 1 - 9:14 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(03/11/03 - 1 - 9:14 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Approval of Minutes:  
02/25/03 – BCC Regular Meeting

3. Sheriff's Bonds:

|          |                          |                       |
|----------|--------------------------|-----------------------|
| Approve: | Christopher M. Alexander | Vincent Pallegirino   |
|          | Daniel J. Barnhart       | William L. Petty      |
|          | Shannon L. Benson        | Angelo G. Pucinischi  |
|          | William D. Carlson       | Deborah P. Russell    |
|          | Paul F. Durning          | Melanie J. Russell    |
|          | Wesley R. Grizzard       | Sandra A. Schell      |
|          | Jerry L. Hackney         | Michael S. Smith, Jr. |
|          | Christine S. Hills       | Kyle L. Stewart       |
|          | Stephen J. Karapcik      | Scott A. Stokes       |
|          | Angela M. Maguire        | Larry R. Wegscheider  |
|          | George E. McCrea         | Ricky White           |
|          | Alana N. McGuire         | Roy E. Wires          |
|          | Howard J. Novak          | Carol A. Wutkowski    |
|          | Thomas G. Marmo          |                       |
| Cancel:  | Elliott A. Gribble       | Gary Anderson         |
|          | Paul S. Schlader         | Anna C. Buie          |
|          | Travis L. Coleman        |                       |

4. Motion to declare the Crescent Cove Water Treatment Package Plant as surplus and authorize the County Administrator, or his designee, to dispose of it in accordance with the County Surplus Property Policy
5. Motion to adopt **Resolution No. 2003-40** recognizing unanticipated General Fund revenue in the amount of \$50,000 and appropriating them for use by the Emergency Management Department in the same amount, and a motion to direct the County Administrator to execute a contract with the State of Florida and the Northeast Florida Regional Planning Council to develop a Continuity of Operations Plan for St. Johns County

#### RESOLUTION NO. 2003-40

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2003 GENERAL REVENUE AND EXPENDITURE BUDGETS TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE THROUGH ITS EMERGENCY MANAGEMENT DEPARTMENT

6. Motion to adopt **Resolution No. 2003-41** recognizing unanticipated revenue in the amount of \$306,419 and appropriating them to the Local Housing Trust Fund for use in the County's SHIP Program

#### RESOLUTION NO. 2003-41

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2003 LOCAL HOUSING TRUST FUND BUDGET TO RECEIVE

UNANTICIPATED REVENUE AND AUTHORIZE ITS  
EXPENDITURE BY THE ST. JOHNS COUNTY STATE  
HOUSING INITIATIVES PARTNERSHIP DEPARTMENT

7. Motion to adopt **Resolution No. 2003-42** recognizing unanticipated revenue in the amount of \$3,251.65 and increasing the expenditure budget of the Fire Service Department in the same amount

**RESOLUTION NO. 2003-42**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2003 FIRE SERVICES FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING EQUIPMENT MAINTENANCE FUNDS TO REPAIR COUNTY FIRE APPARATUS

8. Motion to adopt **Resolution No. 2003-43** accepting and authorizing the execution of a Temporary Access Easement to a Communications Tower site located on Roberts Road

**RESOLUTION NO. 2003-43**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED ON ROBERTS ROAD

9. Motion to adopt **Resolution No. 2003-44** accepting and authorizing the execution of a Temporary Access Easement to a communication Tower Site located off of State Road 206

**RESOLUTION NO. 2003-44**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF OF STATE ROAD 206

10. Motion to adopt **Resolution No. 2003-45** accepting an Easement for Utilities to provide water and sewer to St. Augustine Industrial Park Subdivision, Phase III

**RESOLUTION NO. 2003-45**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AN EASEMENT FOR WATER SERVICE AND SEWER SERVICE TO ST. AUGUSTINE INDUSTRIAL PARK SUBDIVISION, PHASE III

11. Motion to adopt **Resolution No. 2003-46** to set a Public Hearing for 1:30 p.m. on April 8, 2003 to consider a petition to vacate the alleyway between Corunna Street & Zamora on Vilano Beach

**RESOLUTION NO. 2003-46**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, SETTING A PUBLIC HEARING FOR 1:30 P.M. ON APRIL 8, 2003 TO CONSIDER A PETITION TO VACATE AN ALLEYWAY BETWEEN CORUNNA STREET & ZAMORA ON VILANO BEACH**

12. Motion to adopt **Resolution No. 2003-47** approving a final Plat for Stonehurst Plantation, Unit One-B

**RESOLUTION NO. 2003-47**

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

13. Motion to adopt **Resolution No. 2003-48** approving a final Plat for Greenfield

**RESOLUTION NO. 2003-48**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR GREENFIELD**

14. Motion to adopt **Resolution No. 2003-49** approving a final Plat for Race Track Road Widening (East Sector)

**RESOLUTION NO. 2003-49**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A PLAT FOR RACE TRACK ROAD WIDENING (EAST SECTOR)**

15. Motion to adopt **Resolution No. 2003-50** approving a final Plat for Beaver Creek Crossing, Unit 2

**RESOLUTION NO. 2003-50**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR BEAVER CREEK CROSSING, UNIT 2**

16. Motion to declare SJC# 002186 as surplus and donate the mobile home to the Town of Hastings

17. Motion to allow the County Administrator, or his designee, to negotiate with and enter into continuing service contracts with the No. 1 through 6 ranked architectural firms. If an agreement cannot be reached with one or more of these firms, authorization is requested to terminate negotiations and begin negotiations

with the next ranked firm and continue until an agreement is reached with each of the six highest ranked firms

18. Motion recommending approval of **Resolution No. 2003-51**, approving an amendment to the County Administrative Code, Section 210, entitled Capital Asset Policy

#### **RESOLUTION NO. 2003-51**

#### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ADOPTING AS PART OF THE ST. JOHNS COUNTY ADMINISTRATIVE CODE, A NEW FIXED ASSET POLICY**

(03/11/03 - 5 - 9:14 a.m.)

#### **ADDITIONS/DELETIONS TO REGULAR AGENDA**

Bosanko requested to add Item #6a to the Regular Agenda to discuss a proposed change to the Concurrency Ordinance.

(03/11/03 - 5 - 9:15 a.m.)

#### **APPROVAL OF REGULAR AGENDA**

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

(03/11/03 - 5 - 9:15 a.m.)

#### **1. UPDATE ON THE ONGOING CAFÉ EROTICA SIGN LITIGATION**

Bosanko aired that he distributed a confidential memo to the Board members discussing the active pending litigation regarding the sign cases that are ongoing relating to billboards and Café Erotica. The Board discussed the contents of the memo from Bosanko.

(03/11/03 - 5 - 9:32 a.m.)

#### **2. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PRESENTATION FOR PROPOSED IMPROVEMENTS FROM SR 5 (US-1) FROM SR 206 TO SOUTH OF MOULTRIE CREEK**

James Bennett, Florida Department of Transportation, made a presentation on the resurfacing project on U.S. 1 from S.R. 206 to south of Moultrie Creek. Bennett informed the Board that the project is scheduled to be let to construction in December 2003, and construction should begin early 2004. Discussion followed regarding the median at the south entrance of Shores Blvd., just north of Roehrs Road, a right southbound turn lane at S.R. 206, and other median modifications. (10:02 a.m.) Dante Salamone, 5225 Datil Pepper Road, commented on the St. Augustine Shores entrances, the Andora Street and U.S. 1 intersection, street lighting, a flashing light at Watson Road, a flashing light at Datil Pepper Road, and the speed limit on U.S. 1 South.

(03/11/03 - 5 - 10:11 a.m.)

#### **3. UPDATE ON 2004-2008 REQUESTED CAPITAL IMPROVEMENT PROJECTS (CIP)**

Doug Timms, Assistant Manager, Office of Management & Budget, gave an update on the CIP, as follows: capital project request process, total CIP requests comparison, total FY 2004 CIP requests by fund, FY 2004 project requests by fund, and grant funded requests for FY 2004. (10:24 a.m.) Shorty Robbins, Parks & Recreation, informed the Board of the

number of different applications to FCT for conservation and parklands. Timms continued with his presentation as follows: General Fund requests for FY 2004, Transportation Fund requests for FY 2004, Fire District Fund requests for FY 2004, Enterprise Fund Requests for FY 2004, Tourist Development Tax Fund requests for FY 2004, Impact Fee Fund requests for FY 2004, grants & other funded requests, future funding requests, future funding concerns, General Fund projects shortfall, Transportation projects shortfall, and options for funding shortfalls. Discussion followed regarding the capital improvement projects.

The meeting recessed at 10:58 a.m. and reconvened at 11:05 a.m.

(11:06 a.m.) Dante Salamone, 5225 Datil Pepper Road, expressed concerns with the funding for boat ramps and also the S.R. 312 bypass.

(03/11/03 - 6 - 11:09 a.m.)

4. UPDATE ON THE EMERGENCY MANAGEMENT DEPARTMENT AND ITS CAPITAL IMPROVEMENT PROGRAM

Ray Ashton, Director of Emergency Management, gave an update on the Emergency Management Department. The update included: the Summerhaven project, the new emergency shelters, the pet friendly shelter, the Wind Mitigation House, the satellite based communication system in the EOC. Ashton then informed the Board that he continues to serve as Vice Chairman on the Emergency Management Committee for the Northeast Florida Domestic Security Task Force. In June of this year, Ashton said the task force, in conjunction with the Northeast Florida Regional Planning Council, will be conducting a terrorism exercise at Alltel Stadium. Ashton aired that the Department of Emergency Management is an active representative of the St. Johns County Bio-terrorism Planning Committee, and it also participates in the annual statewide hurricane exercise. This year, the exercise will be held on Wednesday, May 14, 2003.

(03/11/03 - 6 - 11:21 a.m.)

5. UPDATE ON THE GROWTH MANAGEMENT SERVICES DEPARTMENT AND ITS CAPITAL IMPROVEMENT PROGRAM

Scott Clem, Director of Growth Management Services, gave an update on the Growth Management Department. He reviewed the five departments that are included; reviewed the organizational chart and the boards and committees staffed by GMS. Clem presented three of the department's priorities: 1) continue to streamline and improve the permitting processes, 2) increase the use of the Internet, and 3) improve the records management system. Clem reviewed the GMS web site, the Web Application Tracking System, the Building Division Reorganization, the recently completed planning projects, ongoing planning projects, the housing and community services, the Fast Track Abatement Program, the Housing Finance Authority, Ponce Harbor, Whispering Woods, Maxwell Manor, Sunnyside House, the HFA financing that is in progress, budget priorities, capital improvement projects, staffing, and planning projects. (11:53 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., commended the Growth Management Services Department for the excellent job it does.

(03/11/03 - 6 - 11:53 a.m.)

6. MOTION TO ESTABLISH THE DATE OF A PUBLIC HEARING FOR THE ENACTMENT OF A COUNTY ORDINANCE ADDRESSING THE REQUIREMENTS FOR CONNECTIONS TO A CENTRAL WASTEWATER COLLECTION SYSTEM AND TO DIRECT STAFF TO TAKE THE NECESSARY ACTION TO HOLD THAT PUBLIC HEARING

Bosanko explained the need for the ordinance. Discussion followed on the proposed ordinance. (12:08 p.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to establish March 25, 2003 as the date of the public hearing for the enactment of a county ordinance addressing the requirements for connections to a central wastewater collection system substantially in the form as here presented and to direct staff to take the necessary action to hold that public hearing.**

(12:08 p.m.) Bryant announced that Items #6a, Commissioners' Reports, County Administrator's Reports, County Attorney's Report, and Clerk of Court's Report would be continued to the end of the agenda.

The meeting recessed at 12:08 p.m. and reconvened at 1:38 p.m. with Bryant, Stern, Jacalone, Meiszer, Maguire, Halstead, Isabelle Lopez, Assistant County Attorney, and Robin Platt, Deputy Clerk present.

(03/11/03 - 7 - 1:38 p.m.)

7. PUBLIC HEARING - MAJMOD 2002-16 DOUBLE BRIDGES PRD - THIS REQUEST SEEKS A MAJOR MODIFICATION TO THE DOUBLE BRIDGES PLANNED RURAL DEVELOPMENT (PRD) TO REDUCE THE REQUIRED FRONT YARD SETBACKS FROM 50' TO 30', TO MOVE THE REQUIRED 50' DEVELOPMENT BUFFER FROM THE DEVELOPMENT AREA TO THE RESERVE AREA AND ALSO TO FURTHER DEFINE THE LOT SIZE RANGES. THE SUBJECT PROPERTY IS LOCATED AT 260 CR 204

Proof of publication for MAJMOD 02-16, Double Bridges PRD was received, having been published in *The St. Augustine Record* on February 24, 2003.

Danielle Mayoros, Planner II, presented the details of the item. Jacalone asked for an explanation of the proposed buffer changes. Mayoros explained that the applicant was requesting to "flip-flop" the buffer from the development area to the reserve area. (1:41 p.m.) Meiszer stated that logically, the buffer should be between the development and the area being buffered, not relocated to the rear of the project. Mayoros explained that the buffer is not going to the rear, but to the reserve side of the project. Discussion followed. (1:45 p.m.) Maguire questioned if this project falls under the 90/10 Rule to reserve 90% of the property, and explained his understanding of the rule, and stated that he feels that this is an appropriate project for the area. Mayoros responded that the rule would apply here. (1:50 p.m.) Stern disclosed ex parte communication regarding this item and stated that this is a very appropriate use of the property. (1:51 p.m.) Jacalone asked for a further explanation of the point of moving the buffer from the development area into to the reserve area. Mayoros stated that the original intent of the buffer was to buffer incompatible uses and that the buffer would still be in place, but it would just be located within the reserve area. (1:54 p.m.) Meiszer asked what development could occur in the reserve area. Mayoros explained the allowable uses.

(1:57 p.m.) Karen Taylor, 3070 Harbor Dr., representing the applicant, presented the details of the Major Modification and explained the make-up and allowable uses of the development area, the reserve area and the buffer, as illustrated on the Master Development Plan, Exhibit A. She stated that she has seen some other PRDs come through in the past few months that did not have the development area buffer.

(2:05 p.m.) Jacalone questioned which PRDs she was referring to. Taylor responded Bartram Downs. Discussion followed regarding the buffer area. (2:06 p.m.) Meiszer questioned if the proposed Ordinance was in the proper format and Lopez responded that it was in the standard format. (2:08 p.m.) Mayoros clarified that they pulled the Bartram Downs PRD and it does contain a 50-foot development buffer. (2:09 p.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to enact Ordinance No. 2003-16, known as**

MAJMOD 2002-16, Double Bridges PRD, adopting Findings of Fact 1 through 6, contained within the packet, to support the motion.

ORDINANCE NO. 2003-16

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE DOUBLE BRIDGES PLANNED RURAL DEVELOPMENT (PRD) ORDINANCE NUMBER 2002-04, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/11/03 - 8 - 2:09 p.m.)

8. PUBLIC HEARING - MAJMOD 2002-08 VININGS PUD (FORMERLY THE WOODLANDS) - THIS REQUEST INVOLVES A SUBJECT PROPERTY LOCATED AT 531 WHITE JASMINE WAY OFF OF CR 210 WEST AND IS LOCATED WITHIN THE RESIDENTIAL "C" FUTURE LAND USE DESIGNATION. THE APPLICANT HAD ORIGINALLY REQUESTED MODIFICATIONS TO THE DEVELOPMENT PLAN TO ELIMINATE THE VEHICULAR CONNECTION BETWEEN THE RESIDENTIAL AND COMMERCIAL, ADD A DAYCARE AS AN ALLOWABLE USE AND ADD A CAR WASH (LIMITED TO ONE WASHING BAY) AND AIR PUMPS AS AN ALLOWABLE ACCESSORY USE TO A CONVENIENCE/GAS STATION. THE PLANNING AND ZONING AGENCY (PZA) FIRST HEARD THIS ITEM ON JANUARY 16, 2003. THE ITEM WAS CONTINUED TO THE FEBRUARY 6, 2003 MEETING TO ALLOW THE APPLICANT TO PROVIDE A SITE PLAN FOR THE WEST OUTPARCEL DEPICTING THE PROPOSED DEVELOPMENT AND THE VEHICULAR/PEDESTRIAN CONNECTION BETWEEN THE RESIDENTIAL AND COMMERCIAL, IF THE CONNECTION WERE TO REMAIN. PRIOR TO THE FEBRUARY 6TH MEETING, THE APPLICANT REVISED THEIR APPLICATION AND REMOVED THE REQUEST TO ELIMINATE THE CONNECTION. THEREFORE, THE CURRENT APPLICATION CONTAINS ONLY A REQUEST TO ADD A DAYCARE AS AN ALLOWABLE USE AND ADD A CAR WASH (LIMITED TO ONE WASHING BAY) AND AIR PUMPS AS AN ALLOWABLE ACCESSORY USE TO A CONVENIENCE/GAS STATION

Proof of publication for MAJMOD 02-08, The Vinings, was received, having been published in *The St. Augustine Record* on February 24, 2003.

Nicole Clayton, Planner II, presented the details of the Major Modification and reviewed the correspondence that was received. (2:13 p.m.) Meiszer stated that he had previously had a meeting with the Homeowners Association's Officers and it was determined, through an agreement with the residents and the developer to close the road, but leave the sidewalks open. Now it seems that the majority of the Vining's residents want the road left open. Discussion followed regarding access for emergency vehicles. (2:17 p.m.) Isabelle Lopez, Assistant County Attorney, reminded the Board that the only issue before them is the daycare and the car wash, not interconnectivity. (2:18 p.m.) Bryant, Stern, Meiszer and Maguire disclosed ex parte communication. (2:19 p.m.) Maguire asked for clarification of the changes that were being requested. Clayton illustrated the changes on an outparcel map, Exhibit A.

(2:21 p.m.) Don Smith, England, Timms and Miller, St. Augustine Rd., Jacksonville, representing the applicant, explained the changes being requested in the Major Modification, including adding a car wash to an already approved gas station, and a daycare center. He addressed the various access options.



(2:25 p.m.) Todd Ritter, 104 The Vinings Dr., spoke in opposition to the modification. He showed the Final Development Plan, Exhibit B, to illustrate the original proposal and Exhibit C, a map of the St. Johns Commons to illustrate the changes. He pointed out on Exhibit D, the Vining Commercial Parcel, that there was no buffer between the residential and commercial areas. He was concerned about the safety of the children who live in the development who would try to access the shopping center by walking or biking to it. He stated that he has petitions signed by the homeowners indicating whether or not they would like the commercial access to be open or closed. It was determined that the majority of the residents want the access to remain open. Exhibit E, illustrated the West Outparcel and, Exhibit F, was photographs of the site. Discussion followed regarding access.

(2:35 p.m.) Lopez reminded the Board that the Site Plan was not before them today, only the day care and car wash text changes, as no change was being requested with regard to interconnectivity.

(2:36p.m.) Clayton explained the definition of interconnectivity as being a connection between uses and addressed dedicated drive aisles. She explained the issues that were discussed at the original PZA hearing regarding access. Discussion followed again regarding what was before the Board for approval.

(2:40 p.m.) Jeanne Donnelly, 337 Carolina Jasmine Lane, presented a package of documents to the Commissioners, Exhibit G, and spoke in opposition to the changes. She gave a chronological account of how, why and when she and her family moved to the area. She feels that a car wash would intensify the commercial use and that the day care was proposed to sweeten up the deal of adding the car wash. Discussion followed regarding what her expectations were regarding the commercial uses, access and the location of the gas station and car wash.

(2:56 p.m.) Stern asked if the drawing showing where the gas station is going to be located is conceptual, or if that is really where it will be placed.

(2:57 p.m.) Smith responded that the Site Plan is very close to the final development. Discussion followed regarding ownership of the development and where the car wash would be located.

(3:01 p.m.) Bryant asked Clayton what level of scrutiny would be given to assessing the safety of the layout. Clayton stated that it would be reviewed against the PUD requirements and the LDC, and that several departments would have to review the plan and traffic pattern.

**(3:02 p.m.) Motion by Meiszer, seconded by Stern, to approve the request that is before the Board, with the reservation that the future Site Plan be carefully evaluated from a safety standpoint, and that every effort be made to accommodate the movement of the traffic through the site.**

(3:03 p.m.) Ron Dolan, 236 Carolina Jasmine Lane, is opposed to the car wash and air pumps, but not the day care, as he feels that a car wash would intensify the use. He is also concerned that the plan would only be reviewed at the Staff level. He stated that if this modification is approved it would complicate the traffic problem and only leave a ten-foot buffer between the residential and commercial uses. He asked that the Site Plan be brought back before the Board for approval, and not just Staff.

(3:08 p.m.) Lopez stated that a condition of approval could be added that states the Site Plan review would be done by the Board, rather than by Staff.

(3:09 p.m.) **Meiszer revised his motion to require that the Site Plan come back before the Board for approval. Stern accepted the amendment.**

(3:10 p.m.) Issac Milledge, 529 White Jasmine Way, stated that he was misinformed about what would be placed next to his house. His main concern is for the safety of his family, as his house will back up to the proposed gas station. He would like the road to be open, but done safely, as he would not like to see any children get hurt.

(3:14 p.m.) Smith introduced Jeff Conn from Hallmark Partners to rebut some of the comments that were made.

(3:14 p.m.) Jeff Conn, 109 Green Crest Dr., Ponte Vedra Beach, Hallmark Partners, stated that when he bought the property, he hired consultants, went through the site plan approval process, and got the plan approved, but as the residential piece was already designed and completed, he had no control of where the road was located. He stated that he bought the commercial piece, not the residential piece [of the PUD]. He stated that he has tried to cooperate with the residents regarding the connectivity versus the no connectivity issue. He stated that he was counting on the review being done by Staff, as they truly understand the review process. He questioned what the issues were that made the Board think that they need to be involved in the Site Plan review.

(3:19 p.m.) Jacalone made reference to a letter Conn submitted about the “potentially dangerous” situation regarding the outparcel and stated that he does not think that the Board wanting to see the Site Plan before it is approved is unreasonable. Discussion followed regarding the potential dangers of the traffic flow.

(3:21 p.m.) Meiszer addressed the Site Plan approval process and stated that his reasoning for wanting this to come back before the Board was to give the residents some comfort that someone was looking out for them. He stated that he is convinced that the safety factors could be worked out and still allow development of the site. Discussion followed regarding access, travel lanes, safety and the possibility that too much is trying to be placed on this piece of property. (3:26 p.m.) Jacalone left the meeting.

(3:28 p.m.) Lopez explained that if, or when, this comes back before the Board for Site Plan review, it would be a very limited technical review, i.e. traffic engineering, and would not include any amendments to the PUD. Discussion followed regarding the Site Plan approval being based on the LDC. (3:30 p.m.) **The motion passed 4/0, with Jacalone absent.**

#### **ORDINANCE NO. 2003-17**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE VININGS PLANNED UNIT DEVELOPMENT (PUD) (aka THE WOODLANDS) ORDINANCE NUMBER 97-14, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE**

The meeting recessed at 3:30 p.m. and reconvened at 3:39 p.m. with Michael Hunt, Assistant County Attorney and Dan Bosanko, County Attorney present.

(03/11/03 - 10 - 3:40 p.m.)

9. CONSIDER ADOPTION OF A RESOLUTION AMENDING THE EXISTING AGREEMENT FOR MANAGEMENT OF CONSTRUCTION AND DEMOLITION DEBRIS AND YARD WASTE AND AUTHORIZING THE COUNTY

ADMINISTRATOR TO EXECUTE THE FIRST AMENDED AGREEMENT FOR  
MANAGEMENT OF YARD WASTE

John Schwab, Special Projects Director, presented the details of the proposed Amended Agreement, via overhead display. He also discussed fees and costs, current and proposed, and asked for direction from the Board on continuing the \$8.00 per ton surcharge for yard waste. He recommended discontinuing the surcharge and incorporating the cost in a flat rate of \$25.80. Discussion followed on the costs and fees associated with yard waste disposal and assessments. (3:46 p.m.) Jim Arnold, Nine Mile Landfill and Seaboard Waste Systems, commented that he is happy with the \$25.80 flat rate, as it would generate a \$4.20 per ton savings, which would be passed on to taxpayers. (3:48 p.m.) Maguire recused himself from the vote due to the fact that his family sold the property to the current owners, who are still paying off the amortization on the sale. (3:48 p.m.) **Motion by Bryant, seconded by Meiszer, carried 3/0, with Jacalone absent and Maguire recused, to adopt Resolution No. 2003-52.**

RESOLUTION NO. 2003-52

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE EXISTING AGREEMENT FOR THE MANAGEMENT OF CONSTRUCTION AND DEMOLITION DEBRIS AND YARD TRASH, ADOPTING THE AMENDED AGREEMENT FOR ONLY THE MANAGEMENT OF YARD WASTE DEBRIS, ESTABLISHING RATES FOR DISPOSAL FACILITY OBLIGATIONS AND PROVIDING AN EFFECTIVE DATE

(03/11/03 - 11 - 3:49 p.m.)

10. DISCUSSION OF THE PONTE VEDRA BOULEVARD RIGHT-OF-WAY ISSUE

Michael Hunt, Assistant County Attorney, presented the ownership options for the 34-foot of the westerly right-of-way along Ponte Vedra Blvd. (3:56 p.m.) Meiszer stated that the County has to retain some rights in the 34 feet with respect to the utilities. He asked if this could be accomplished through ownership or through an easement, if the property was returned to the abutting property owners. Hunt confirmed that that could be done. He continued by stating that the previous owners offered the property to the County, but the County never accepted it. He questioned if they could renew the offer so the County could accept it now. (4:00 p.m.) Hunt stated that he feels that Option 3 is the best option for the County's interest. (4:00 p.m.) Maguire commented that he also supports Option 3, as it would allow the County access for utilities through an easement, as well as, put the property on the tax rolls.

(4:02 p.m.) Al Hollon, 551 LeMaster Dr., Ponte Vedra Beach, commended Hunt's efforts on the title issue and he urged the Board to adopt Option 3.

(4:05 p.m.) Ebbie LeMaster, 135 Ponte Vedra Blvd., addressed the history of the 34 feet, agreed that Option 3 was the best option and stated that the Ponte Vedra Corporation would do what is legally necessary to clear up the issue.

(4:08 p.m.) Hunt explained that under Option 3, the Ponte Vedra Corporation would not have to do anything, as the County would take the initiative. Discussion followed regarding the possible need to issue deeds.

(4:10 p.m.) Dan Bosanko, County Attorney, explained that they plan to vacate the County's interest in the roadway. No deeds would be issued and it would be an issue for the property owners to decide what to do.

(4:13 p.m.) Maguire stated that lending institutions would not lend on residential properties without proper access to the homesites, and therefore it should not be left up in the air as to who owns the 34 feet. He feels that the issue would have to be resolved. Discussion followed.

(4:16 p.m.) Mark Arnold, 1301 Riverplace Blvd., Jacksonville, representing the Ponte Vedra Corp., stated that in vacating the right-of-way, by operation of the law, the property would revert to the adjacent property owners. He also stated that in the Resolution to vacate it should be clear exactly what is being vacated. He also supported Option 3, as it is consistent with what the Planning Department has been asking the Ponte Vedra Corp. to do as they went through upgrades at their Club.

(4:24 p.m.) Carl Bloesing, 12 La Vista Dr., Ponte Vedra Beach, President of the Ponte Vedra Community Association, commended County Staff members on their work on this item, and supported Option 3.

(4:25 p.m.) Lenora Newsome, Deputy Clerk entered the meeting and Robin Platt, Deputy Clerk left the meeting.

(4:25 p.m.) Stern stated that she liked Option 3. (4:27 p.m.) **Motion by Maguire, seconded by Meiszer, carried 4/0 with Jacalone absent, to accept Option 3 and move forward.**

The meeting recessed at 4:28 p.m. and reconvened at 4:31 p.m.

(03/11/03 - 12 - 4:31 p.m.)

#### 6A. PROPOSED CHANGE TO THE CONCURRENCY ORDINANCE

Bosanko stated that no action was required today and stated that he was recommending the approval to advertise a change to the Concurrency Ordinance, to be set for final enactment two weeks from today. He stated the change required that the subject property be posted with the sign to notify the neighbors that it was going through a concurrency review. At the same time, the public was given a right to appeal the concurrency decision to the BCC, if they thought it was done improperly. The concurrency review procedure is designed and intended to be a very objective, accounting-like procedure. He explained the reason for making the change and suggested clarifying the period when the sign has to go up. Bosanko suggested advertising the hearing two weeks from today and asked for permission to do so. (4:39 p.m.) **Motion by Meiszer, seconded by Stern, carried 4/0 with Jacalone absent, to authorize the County Attorney to advertise the public hearing for the Ordinance on the concurrency issue he brought before the Board.**

(03/11/03 - 12 - 4:40 p.m.)

#### COMMISSIONERS' REPORTS

(4:40 p.m.)

Commissioner Stern:

Stern mentioned that the Learn to Read Program of St. Johns County does a fund raising every year at the Rhythm and Ribs Festival called Kiss The Pig. They raise a lot of money for the Learn to Read Program. She explained that Joe Stephenson would be kissing the pig if enough people donated a \$1.00 towards his name.

(4:41 p.m.)

Commissioner Maguire:

Maguire distributed a Memorandum dated March 10, 2003, from Denise Bunnewith to the Members of the First Coast Metropolitan Planning Organization. The memo regarded combining the St. Augustine Urbanized Area with the First Coast MPO, Exhibit A. He requested the Board re-submit their own official letter to the Governor and the FDOT, requesting St. Johns County does not want to be a part of it, as long as the Planning Operation is controlled by the City of Jacksonville. Bryant recommended lobbying the Northeast Florida Delegation and hiring Susan Wiles as a consultant to lobby for the Board. Discussion followed on Bryant's recommendations.

(4:53 p.m.)

Commissioner Bryant:

Bryant reminded everyone to meet in the courtyard entrance to the House Office Building in Tallahassee, tomorrow at 1:30 p.m. and that he would be giving out the lobbying packets with the assignments and the times.

(03/11/03 - 13 - 4:53 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Halstead asked the Board to verify that Scott Clem was to contact Ms. Wiles and go ahead and bring her on board as a consultant. Bryant confirmed it.

(03/11/03 - 13 - 4:54 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko stated that Patrick McCormack was called up on very short notice and shipped overseas. He stated that McCormack called him and asked him to look after his family. Bosanko stated that he thought it might be appropriate for the Board to take a look at the personnel files of the people shipped overseas and see if there is anything that the County can do within the bounds of its organization, to assist with the hardship of the people being called up. Discussion followed on Bosanko's statement.

(03/11/03 - 13 - 4:57 p.m.)

CLERK OF COURT'S REPORT

No report.

(4:47 p.m.) **Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to adjourn the meeting.**

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check No. 331391 through 331394 totaling \$1,417.27 (3/3/03)
2. St. Johns Board of County Commissioners Check Register, Check No. 331395 through 331728 totaling \$1,415,862.13 (3/4/03)
3. St. Johns Board of County Commissioners Check Register, Check No. 331729 through 331730 totaling \$100,335.11 (3/5/03)
4. St. Johns Board of County Commissioners Check Register, Check No. 331731 through 331749 totaling \$40,191.53 (3/6/03)

CORRESPONDENCE:

1. Letter dated March 4, 2003, to Mrs. Liz Cloud, Department of State, regarding the filing of Ordinance No. 2003-12

Approved May 6, 2003

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Uyonna King  
Deputy Clerk