

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 17, 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
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, County Attorney
Cecelia Aldrich, Deputy Clerk

Absent: Karen Stern, District 2, Vice Chair , Bruce Maguire, District 4

(06/17/03 - 1 - 9:04 a.m.)

The meeting was called to order by Chairman Bryant.

(06/17/03 - 1 - 9:05 a.m.)

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

(06/17/03 - 1 - 9:05 a.m.)

ROLL CALL

Bryant announced that three Commissioners were present and Commissioner Stern and Commissioner Maguire were in Orlando at the Florida Association of Counties meeting.

(06/17/03 - 1 - 9:05 a.m.)

PUBLIC COMMENT

Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, expressed displeasure with the Board's representation of citizens and said she realized that there had been no disclosure of Exparté Communication with regard to the proposed development by Sembler. Cowan said the Board did not honor citizens' requests to postpone a hearing date and claimed that Maguire tried to censor witnesses. She said some are convinced that there is a plan to change the path of Mickler Road. She referred to the overhead aerial map (Exhibit A) of Seaside at Ponte Vedra Beach/Crossroads Subdivision and talked about the DOT (Department of Transportation) plans. Cowan addressed Adams and said she was formally requesting plans for the citizens of Seaside. She said they [citizens of Seaside] don't believe they are being provided with an honest, open government.

(9:10 a.m.) Bryant stated that he differed with Cowan's opinion and added that he had no Exparté Communication with the applicant. He also said that it is incumbent upon each Commissioner to volunteer Exparté Communication. (9:10 p.m.) Jacalone agreed and stated that he also had no Exparté Communication that he could recollect on that rezoning request. Jacalone indicated that Cowan was incorrect in her statement that DOT plans to stop the four-laning at Seaside. He said the four-laning goes to Mickler Road. (9:11 p.m.) Joe Stephenson, Public Works Director, said that DOT plans show four-laning all the way to Mickler Road.

(9:12 a.m.) Louise Thrower, 288 Orange Avenue, presented written materials, Exhibit B. She referred to an editorial in the newspaper about the DOT and expressed frustration with the government's activities regarding transportation matters. She urged everyone to contact the Governor to save transportation's home rule and she provided contact information for the public.

(9:17 a.m.) Meiszer commented that the State is not bound by local Ordinances.

(06/17/03 - 2 - 9:18 a.m.)

DELETIONS TO CONSENT AGENDA

(9:20 a.m.) Bosanko noted that a copy of the County Administrator's contract was not included with the Agenda cover sheet for Consent Item 8, as the contract amendment was not prepared in time to be included in the packet. He stated that he did distribute a copy to each member of the Board and copies are available for the public. There were no changes to the Consent Agenda.

(06/17/03 - 2 - 9:20 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Jacalone, seconded by Meiszer, carried 3/0, with Stern and Maguire absent, to approve the Consent Agenda as submitted.

1. Approval of the Cash Requirement
2. Approval of Minutes:
05/28/03 - BCC Special Meeting
06/02/03 - BCC Special Meeting
3. Motion to amend the 2003 Capital Improvement Project for "Misc. Boat Ramp Repairs" by appropriating an additional \$30,000 from the Florida Boating Improvement Program Reserves and authorizing an agreement with Randall Tedder Construction, Inc., to repair the Doug Crane Boat Ramp in St. Augustine South
4. Motion to adopt **Resolution No. 2003-113**, deferring the payment of 66.66% of the Water and Sewer Unit Connection fees for six years for 216 affordable senior and family rental apartments to be constructed by Regency Development and set an effective date. Any interest that is required by County ordinances shall be paid by the developer

RESOLUTION NO. 2003-113

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO APPROVE DEFERRING THE PAYMENT OF WATER AND SEWER UNIT CONNECTION FEES FOR SUMMERSET VILLAGE APARTMENTS, AN AFFORDABLE RENTAL PROJECT TO BE CONSTRUCTED BY SUMMERSET VILLAGE, LLC; AND PROVIDING AN EFFECTIVE DATE

5. Motion to adopt **Resolution No. 2003-114**, recognizing unanticipated revenue in the amount of \$4,860.59 from a reimbursement from the Firefighters Supplemental Compensation Fund and appropriating it to 1224-51200 (Fire Services - Salaries)

RESOLUTION NO. 2003-114

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 FIRE DISTRICT FUND REVENUE BUDGET TO RECEIVE UNANTICIPATED REVENUE FROM A REIMBURSEMENT FROM THE FIREFIGHTERS SUPPLEMENTAL COMPENSATION FUND AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE SERVICES DEPARTMENT

6. Motion to allow the County Administrator, or his designee, to enter into contract with BGCO, Inc., under Bid No. 03-85 for the Construction of Lewis Speedway at U. S. 1 Intersection Improvements (*Attachment A*)
7. Motion to allow the County Administrator, or his designee, to enter into contract with Beach Construction Company, Inc., under Bid No. 03-65 for the Construction of Anastasia Island WWTF 2003 Improvements. The bid amount of \$1,070,000.00 includes the base bid and additive alternate (*Attachment B*)
8. Motion to renew the County Administrator's Contract
9. Proofs:
 - a. Proof, Public Notice, Full Cost Accounting, St. Johns County Solid Waste Management Services
 - b. Proof, Certificate of Liability Insurance, American Lighting & Signalization
 - c. Proof, Certificate of Liability Insurance, RJP Enterprises, Inc.
 - d. Proof, Certificate of Liability Insurance, Cornerstone Team, Inc., ETAL
 - e. Proof, Certificate of Liability Insurance, R.J.P. Enterprises, Inc.
 - f. Proof, Certificate of Liability Insurance, Sandee Sod, Inc.
 - g. Proof, Certificate of Liability Insurance, Bliss Products & Services, Inc.
 - h. Proof, Certificate of Liability Insurance, All Waste, Inc.
 - i. Proof, Certificate of Liability Insurance, Advanced Disposal Services LLC
 - j. Proof, Certificate of Liability Insurance, Econowaste, Inc. & Econosweep, Inc.

(06/17/03 - 3 - 9:20 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant pulled Agenda Item 8, to be rescheduled at a future date. Jacalone requested the addition of a Proclamation as A1. Adams requested the addition of A2, the Proposed Increase to Fire Service District Millage Rate Cap.

(06/17/03 - 3 - 9:20 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Bryant, carried 3/0, with Stern and Maguire absent, to approve the Regular Agenda as amended.

(06/17/03 - 3 - 9:22 a.m.)

A1. PROCLAMATION TO WELCOME HOME TROOPS

Jacalone noted that there was no one here to receive the Proclamation. He read the Proclamation that designated July 27, 2003 as "Welcome Home Troops Day."

BID TABULATION



BID TITLE CONSTRUCTION OF LEWIS SPEEDWAY AT U.S. 1 INTERSECTION IMPROVEMENTS

BID NUMBER BID NO. 03-85

OPENING DATE/TIME June 4, 2003 3:00 P.M.

POSTING TIME/DATE FROM 06/04/2003 4:00 PM UNTIL 06/09/2003 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY

CHERYL ALBERISON

TABULATED BY

LEIGH DANIELS

VERIFIED BY

PAGE(S) 1

OF 1 PAGE(S)

CONSENT #6

BIDDERS	BASE BID PRICE	BID BOND					
BGCO, INC.	\$159,000.00	X	▲				
JOHN CARLO, INC.	\$288,398.45	X					
WALDING COMPANY	\$242,263.00	X					

BID AWARD DATE - _____

ATTACHMENT A

BID TABULATION

BID TITLE CONSTRUCTION OF ANASTASIA ISLAND WWTF 2003 IMPROVEMENTS
BID NUMBER BID NO. 03-65
OPENING DATE/TIME May 21, 2003 3:00 P.M.
POSTING TIME/DATE FROM 05/21/2003 4:00 PM UNTIL 05/27/2003 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE DEFERENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

OPENED BY CHERYL ALBERISON
TABULATED BY LEIGH DANIELS
VERIFIED BY *[Signature]*

PAGE(S) 1 **OF** 1 **PAGE(S)**

BIDDERS	TOTAL BASE BID PRICE	ADDITIVE ALTERNATIVE PRICE	BID BOND	ADDENDUM # 1		
SAWCROSS, INC.	\$1,267,000.00	\$102,000.00	X	X		
BEACH CONSTRUCTION COMPANY, INC.	\$1,040,000.00	\$30,000.00	X	X		
ORTEGA INDUSTRIAL CONTRACTORS	\$1,131,944.00	\$106,300.00	X	X		
KID CONSTRUCTION, INC.	\$1,190,000.00	\$59,000.00	X	X		
WPC INDUSTRIAL CONTRACTORS, LTD	\$1,237,000.00	\$48,000.00	X	X		

BID AWARD DATE -

ATTACHMENT B

CONSENT # 7

Motion by Bryant, seconded by Meiszer, carried 3/0, with Stern and Maguire absent, to approve the Proclamation just read.

(06/17/03 - 4 - 9:24 a.m.)

A2. PROPOSED INCREASE TO FIRE SERVICE DISTRICT MILLAGE RATE CAP

Adams requested that a Public Hearing be set for July 1, 2003 at 9:00 a.m. to consider the fire tax. **Motion by Jacalone, seconded by Bryant, carried 3/0, with Stern and Maguire absent, to set the Public Hearing date to consider increase, or decrease, of fire service millage for July 1, 2003, at 9:00 a.m.** (9:25 a.m.) Bosanko stated he would draft and advertise the Ordinance. He said this is not an approval of the amount and that the maximum in the Ordinance would be 1.2.

(06/17/03 - 4 - 9:26 a.m.)

1. CONSIDER MOTION TO APPROVE THE ST. JOHNS RIVER ALLIANCE MEMORANDUM OF UNDERSTANDING (MOU) AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SUCH FOR THE COUNTY

Vickie Renna, Principal Planner, stated that the St. Johns River was designated as The American Heritage River in 1998. She explained that several committees have been established since. She reviewed that in mid January 2003, the St. Johns River Summit was held and approximately 1,500 people attended. Renna noted that additional committees were established and over 250 projects have been identified for improvement. In order to seek funding, and carry out the goals of the American Heritage River initiative, the St. Johns River Alliance, a non-profit organization was established. She noted that a Board of Directors has been created. Renna noted that the Mayor will be asking for participation from other counties, and she asked for the Board's approval of the Memorandum of Understanding (MOU).

(9:28 a.m.) Brian Teeple, Executive Director, Northeast Florida Regional Planning Council (NEFRPC), talked about what has transpired with regard to restoration of the river, related regulations, as well as what he hopes the Alliance will do. Teeple talked about some of the proposed projects.

(9:32 a.m.) Meiszer asked if other jurisdictions have already given approval. Teeple said he has not been keeping track, but did acknowledge that some have and more would be addressed. Discussion followed on whether or not there would be Federal Government representative signatures on the MOU. Meiszer noted he was in favor of the concept of the MOU, but had questions about the involvement of public officials in a 501(3)(c) program. (9:36 a.m.) Renna announced that she was just informed that Volusia County and Putnam County have agreed to the MOU. (9:39 a.m.) Jacalone pointed out that there is a signature line on the MOU for the Department of Environmental Protection. Jacalone also clarified that a Board of Directors will be formed after the MOU is executed.

(9:41 p.m.) Don Beattie, 808 Mill Pond Ct., noted that two years earlier he was appointed to serve on The American Heritage River Committee and that he has attended all the meetings. Beattie expressed his opinion, that this is the only way to address the issues of the river in a concerted manner and urged the Board to participate.

(9:43 a.m.) Jacalone commented that the MOU does not bind the County financially. Bosanko affirmed that he had reviewed the document. Bosanko also noted that a new "Legal Review" line has been added to the Agenda coversheets for the Legal Department to check off, or initial once Ordinances, Resolutions, Contracts and Bonds, have been reviewed.

(9:44 a.m.) Meiszer explained that the MOU is quite simple and his previous comments were in reference to when appointments would be made. He pointed out that paragraph 13 allows for an out by simply submitting a letter and said he would like to see that paragraph in all legal documents the Board executes. Meiszer also thanked Bosanko for the addition of the legal review confirmation on the Agenda cover sheet. (9:46 a.m.) Bosanko said that he and Adams had worked on it. **Motion by Jacalone, seconded by Meiszer, carried 3/0, with Stern and Maguire absent, to approve the St. Johns River Alliance Memorandum of Understanding (MOU), authorizing the County Administrator to execute such document.**

(06/17/03 - 5 - 9:47 a.m.)

2. **CONSIDER REQUEST TO WAIVE FEES FOR THE MINOR MODIFICATION APPLICATION FOR THE EAGLE CREEK PUD**

Bosanko said that he was not concerned about this particular item, but wanted to speak in general about this type of item. He said these are fee waivers that are used to fund a particular operation and the Board is allowed to waive those fees for a public purpose. He noted that there are County programs that are geared toward personal hardships, and commented that waivers should be for public purpose, rather than individual purpose.

(9:49 a.m.) Danielle Mayoros, Planner II, explained why the applicants were asking for a waiver. (9:50 a.m.) Jacalone commented that this was an honest mistake and an obvious hardship, and that he would be in favor of approval. Discussion followed on the type of hardship and the difference between a minor and major modification.

(9:55 a.m.) Lydia Williams, explained that she was away when her elderly father erected a storage shed. She also provided information on their circumstances that supported the hardship.

(9:56 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 3/0, with Stern and Maguire absent, to approve a waiver of the Minor Modification application fee, finding that the waiver of said fee is in the best interest of the County, and will serve a public purpose.**

(06/17/03 - 5 - 9:56 a.m.)

3. **PRESENTATION OF THE ROSCOE BOULEVARD SAFETY STUDY**

Greg Kennedy, Traffic and Transportation Manager, introduced the video of the complete overview of the study and expanded on the accident part of the study.

(9:59 a.m.) Steve Wilson, HDR Engineering, described proposed improvements. He referred to a public meeting scheduled on July 10th, at the Palm Valley Community Center. Kennedy proceeded to review various aspects of the study. He noted that as the project moves into the final design phase, there would be ample opportunity to evaluate other options.

(10:15 a.m.) Bryant called a short recess in order to gain a quorum, and the meeting reconvened at 10:21 a.m.

(10:21 a.m.) Garry Phillips, 161 South Roscoe Blvd., stated he was present to represent the Palm Valley Community Association, and in particular the Palm Valley Safety Committee. He reviewed an earlier request for improvements, which the Board previously granted. Phillips reviewed several other objectives relating to retaining the character of the road and for pedestrian mobility. (10:25 a.m.) Hunt entered the meeting.

(10:31 a.m.) Jacalone talked about the safety benefits of paved shoulders on a roadway.
(10:34 a.m.) Meiszer talked about perception and suggested that changing the name to Roscoe Lane, may help to change the image.

(10:38 a.m.) Jeff Burger, 3 South Roscoe Blvd., Palm Valley, commended the Board for improvements that have been made, to date, to Roscoe Boulevard. He credited traffic enforcement for improving the speed situation along the Boulevard. He suggested that a three-foot shoulder would be more aesthetically pleasing than a five-foot shoulder.

(10:43 a.m.) Mary Kohnke, 29 South Roscoe, Palm Valley, commented that the only thing fully agreed on, at the Palm Valley meeting, was the intersection improvements. She talked about the width of the shoulder and the fact that there are ditches adjacent to the side of the road. Kohnke expressed concern about the destruction of large bushes resulting from a wide shoulder and the lack of a light at CR 210 and Landum Lane. She urged the Board to be careful.

(10:48 a.m.) Jacalone commented that no one suggested condemning property to improve Roscoe Boulevard. He said the County could not cover the existing ditches without adding retention somewhere to treat the runoff. Jacalone noted that he thinks that shoulders would be a good addition to that roadway. He said he would not support the "no build" option or improving the roadway with pavement, unless some degree of shoulders are added.

(06/17/03 - 6 - 10:50 a.m.)

4. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE PRE-CONSTRUCTION STATE OF FLORIDA REVOLVING LOAN AGREEMENT FOR THE PONTE VEDRA MUNICIPAL SERVICE DISTRICT VACUUM SEWER PROJECT

(10:50 a.m.) Bosanko left and Michael Hunt, Assistant County Attorney, entered the meeting.

John Schwab, Special Projects Manager, reviewed the details of the loan agreement.

(10:51 a.m.) Jacalone said he was glad to see this project moving forward. **Motion by Jacalone, seconded by Bryant, carried 3/0, with Stern and Maguire absent, to authorize the County Administrator to execute the pre-construction State of Florida Revolving Loan Agreement for the Ponte Vedra Municipal Service District Vacuum Sewer Project.**

(06/17/03 - 6 - 10:52 a.m.)

5. CONSIDER MOTION TO APPROVE THE FY 2001 EDI SPECIAL PROJECT NO. B-01-SP-FL-0147 GRANT AGREEMENT AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE DOCUMENT

John Schwab, Special Projects Manager, reviewed the details and circumstances surrounding the appropriation.

(10:52 a.m.) Jacalone expressed his pleasure that this Federal money will be utilized for this project. **Motion by Jacalone, seconded by Meiszer, carried 3/0, with Stern and Maguire absent, to approve the FY 2001 EDI Special Project No. B-01-SP-FL-0147 Grant Agreement and authorize the County Administrator to execute the document.**

(06/17/03 - 6 - 10:53 a.m.)

6. CONSIDER MOTION TO APPROVE THE SECOND ADDENDUM TO THE ST. JOHNS COUNTY/JEA WATER AND WASTEWATER INTERLOCAL

AGREEMENT AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE DOCUMENT

John Schwab, Special Projects Manager, reviewed the request.

(10:54 a.m.) **Motion by Meiszer, seconded by Bryant, to move adoption of the Second Addendum to the St. Johns County/JEA Water and Wastewater Interlocal Agreement and to authorize the Administrator to execute [the document].** Jacalone ascertained that the County and JEA have one Interlocal Agreement that contains different agreements within. He continued that one of the aspects of the agreement with JEA is the wholesale water agreement on the U.S. #1 North corridor, and clarified that this addendum does not address that part of the original agreement and no other parts of the Interlocal Agreement have been altered. The motion **carried 3/0, with Stern and Maguire absent.**

(06/17/03 - 7 - 10:56 a.m.)

7. CONSIDER MOTION TO ADOPT THE RESOLUTION APPROVING THE TERM AND AUTHORIZE THE EXECUTION OF TWO CONVEYANCE OF PROPERTY AGREEMENTS BETWEEN CUMMER LAND TRUST, FLORIDA EAST COAST RAILWAY AND ST. JOHNS COUNTY FOR ACQUISITION OF PROPERTY FOR ADDITIONAL SOLID WASTE TRANSFER

John Schwab, Special Projects Manager, reviewed the request and noted that this would be an exchange, not a purchase of property.

(10:57 a.m.) Jacalone asked what the cost is for the clean up. Schwab said the cost is estimated at \$200,000 to \$250,000 to remove the material and have the site completely usable again. (10:57 a.m.) Meiszer asked about the \$50,000 limit. (10:58 a.m.) MaryAnn Blount, Real Estate, explained that the contract was structured in a way that would allow an out, if the cleanup ran into anything excessive. Schwab clarified that there was a \$50,000 ceiling. (10:59 a.m.) **Motion by Jacalone , seconded by Bryant, carried 3/0, to adopt Resolution No. 2003-115, approving the terms and authorizing the execution of two Conveyance of Property Agreements between Cummer Land Trust, Florida East Coast Railway and St. Johns County, for acquisition of property for additional solid waste transfer.**

RESOLUTION NO. 2003-115

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF TWO CONVEYANCE OF PROPERTY AGREEMENTS FOR THE ACQUISITION OF TWO PROPERTIES NEAR AN EXISTING RAIL CROSSING FOR CONSTRUCTION OF A SOLID WASTE TRANSFER STATION

(06/17/03 - 7 - 11:00 a.m.)

8. CONSIDER MOTION TO APPROVE THE EXCLUSIVE RESIDENTIAL SOLID WASTE COLLECTION AND TRANSPORTATION FRANCHISE FOR THE SOUTHERN AREA OF ST. JOHNS COUNTY AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE FRANCHISE AGREEMENT

(Item 8 was pulled from the agenda.)

(06/17/03 - 7 - 11:00 a.m.)

COMMISSIONERS' REPORTS

There were no reports.

(06/17/03 - 8 - 11:00 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams thanked the Board for the renewal of his contract.

(06/17/03 - 8 - 11:00 a.m.)
COUNTY ATTORNEY'S REPORT

No report.

(06/17/03 - 8 - 11:00 a.m.)
CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:00 a.m. and reconvened at 1:33 p.m. with Bryant, Jacalone, Meiszer, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

Commissioners Stern and Maguire were not present at the meeting.

(06/17/03 - 8 - 1:33 p.m.)
9. PUBLIC HEARING - NZVAR 03-007, SOUTHERN CREEK UNIT 3 - THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO THE CUL DE SAC (SECTIONS 6.04.07.E.1) AND DRIVEWAY DESIGN (SECTION 6.04.05.C) REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THIS DEVELOPMENT, SOUTHERN CREEK UNIT 3, IS LOCATED IN THE JULINGTON CREEK PUD NORTH OF RACETRACK ROAD AND EAST OF THE SOUTHERN CREEK UNIT I DEVELOPMENT. THE PROJECT CONSISTS OF 116 TOWNHOME UNITS TO BE SUBDIVIDED INTO INDIVIDUAL LOTS. THE APPLICANT HAS OBTAINED NON-ZONING VARIANCES FOR THESE ISSUES ON TWO SIMILAR PREVIOUS PROJECTS (SOUTHBRIDGE AND SOUTHERN CREEK UNIT 1 & 2)

Proof of publication of the Notice of Public Hearing on the proposed non-zoning variance of Racetrack Road, Parcel ID#249000-3006 was received, having been published in *The St. Augustine Record* on June 2, 2003.

Darrell Locklear, Chief Project Engineer, stated that this applicant is seeking a non-zoning variance to the Cul De Sac and Driveway Design requirements of the St. Johns County Land Development Code. This development known as Southern Creek Unit 3 is located in the Julington Creek PUD north of Racetrack Road and east of Southern Creek Unit 1. The project consists of 116 townhome units to be subdivided into individual lots. The applicant has obtained non-zoning variances for these issues on two similar, previous projects known as Southbridge and Southern Creek Unit 1 and 2. Jacalone questioned why this request is considered as a non-zoning variance instead of a major modification. Locklear replied. Discussion followed on non-zoning variances, there not being a setback requirement associated with PUDs, and how much this would affect the mechanics of the roadway.

(1:40 p.m.) George McClure, 170 Malaga Street, representing the applicant, explained the request. Meiszer spoke on alternatives, and keeping the cost of a dwelling down. Bryant mentioned the SHIP Program and McClure spoke on the SHIP Program. (1:51 p.m.) **Motion by Bryant, seconded by Jacalone, carried 3/0, with Stern and Maguire absent, to approve NZVAR 2003-004 based upon the evidence provided for all of the Five Findings of Fact contained in the packet.**

(06/17/03 - 9 - 1:54 p.m.)

10. PUBLIC HEARING - MAJMOD 2003-03, JULINGTON CREEK PLANTATION PUD - THIS REQUEST SEEKS TO ADD A CAR WASH FACILITY AS AN ACCESSORY TO AN APPROVED CONVENIENCE STORE WITH GAS PUMPS LOCATED ON PARCEL 86, LOT 1 OF THE JULINGTON CREEK PLANTATION PLANNED UNIT DEVELOPMENT, ORDINANCE 93-43, AS AMENDED BY 99-65. THIS REQUEST IS EXEMPT FROM CONCURRENCY PURSUANT TO 92-CE-05. WATER AND SEWER IS PROVIDED BY JEA. THE PLANNING DIVISION HAS ROUTED THIS REQUEST TO ALL APPROPRIATE REVIEWING DEPARTMENTS. THERE ARE NO OUTSTANDING COMMENTS FROM ANY DEPARTMENT RELATED TO THE MODIFICATION REQUEST. 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 JULINGTON CREEK DRI. 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. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION. THIS ITEM IS SCHEDULED TO APPEAR BEFORE THE PLANNING AND ZONING AGENCY AT THE JUNE 5, 2003 MEETING

Proof of publication of the Notice of Public Hearing on the Notice of Proposed major modification, File #MAJMOD 2003-03, Julington Creek Plantation, 2685 Racetrack Road was received, having been published in *The St. Augustine Record* on May 21, 2003.

Danielle Mayoros, Planner II, stated that this request seeks to add a carwash facility as an accessory to an approved gas station for Parcel 86, Lot 1 of the Julington Creek Plantation PUD. Discussion followed on the language allowing a carwash on the same site as a gas station without going through a Major Modification.

(1:56 p.m.) George McClure, 170 Malaga Street, stated that there was nothing more that he could say to add to what was already said. (1:57 p.m.) **Motion by Jacalone, seconded by Bryant, carried 3/0 with Stern and Maguire absent, to enact Ordinance No. 2003-55, adopting Findings to support the motion contained within the package.**

ORDINANCE NO. 2003-55

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE JULINGTON CREEK PLANTATION PUD, ORDINANCE NUMBER 93-43, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(06/17/03 - 10 - 1:57 p.m.)

11. PUBLIC HEARING - NOTICE OF PROPOSED CHANGE (NOPC) 2002-7, ST. JOHNS DRI DEVELOPMENT ORDER - THIS NOPC AMENDS THE SAINT JOHNS DRI DUE TO INCREASE IN THE COMMERCIAL SQUARE FOOTAGE FROM 562,000 SQUARE FEET TO 583,000 SQUARE FEET, A 21,000 SQUARE FOOT INCREASE AND ADD APPROXIMATELY ½ ACRE OF LAND TO THE COMMERCIAL DESIGNATION WITHIN THE DRI. THE NOPC ALSO SHIFTS THE USE OF PARCEL 11 WITHIN SIX MILE CREEK WEST FROM MULTI-FAMILY TO SINGLE FAMILY CONVENTIONAL AND SHIFTS THE USE OF PARCEL 10 WITHIN SIX MILE CREEK SOUTH FROM TOWNHOME TO MULTI-FAMILY. THERE IS NO INCREASE IN THE NUMBER OF DWELLING UNITS PROPOSED WITHIN THE DRI. THE NORTHEAST FLORIDA REGIONAL PLANNING AND THE DEPARTMENT OF COMMUNITY AFFAIRS HAVE REVIEWED THIS NOPC AND HAVE FOUND IT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE DRI, PURSUANT TO CHAPTER 380.06(19)(B)10, FS. THE REGIONAL PLANNING COUNCIL REQUESTED THE APPLICANT ENSURE THAT THE ADDITIONAL 21,000 SQUARE FEET OF COMMERCIAL DOES NOT RESULT IN A NEED FOR 300 PARKING SPACES. BASED UPON THE COUNTY'S PARKING REQUIREMENTS, A BUSINESS/COMMERCIAL/PERSONAL SERVICE USE REQUIRES ONE SPACE FOR EACH 500 SQUARE FEET RESULTING IN A NEED FOR 42 PARKING SPACES. THE APPLICANT HAS PROVIDED WITHIN THE PROPOSED RESOLUTION A CONDITION THAT THE DEVELOPMENT OF 21,000 SQUARE FEET OF COMMERCIAL USES SHALL NOT RESULT IN AN INCREASE OF 300 OR MORE PARKING SPACES. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS REQUEST AT ITS JUNE 5 REGULAR MEETING. STAFF HAS NO OBJECTIONS TO APPROVAL AND FINDING THAT THE PROPOSED CHANGES DO NOT RESULT IN A SUBSTANTIAL DEVIATION TO THE DRI

Proof of publication of the Notice of Public Hearing on the Notice of Proposed Change to the St. Johns Development of Regional Impact Restated Development Order was received, having been published in *The St. Augustine Record* on May 21, 2003.

Teresa Bishop, AICP, Planning Director, stated that this is a NOPC to amend the St. Johns DRI Development Order to increase the commercial square footage from 562,000 square feet to 583,000 square feet, a 21,000 square foot increase and add approximately ½ acre of land to the Commercial designation within the DRI.

(1:59 p.m.) John Metcalf, 200 Forsythe Street, representing SJ Land Associates, mentioned that he agreed with Bishop's characterization and stated that he would be happy to answer any questions. (1:59 p.m.) **Motion by Jacalone, seconded by Bryant, carried 3/0 with Stern and Maguire absent, to approve Resolution No. 2003-116, adopting Findings contained in the packet to support the motion.**

RESOLUTION NO. 2003-116

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RESTATING, INCLUDING AND MODIFYING THE SAINT JOHNS DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY RESOLUTION NOS. 91-130, 91-183, 94-211, 95-06, 96-102, 96-233, 98-126, 98-179, 99-20, 99-172, AND 2002-53; FINDING THE MODIFICATIONS ARE CONSISTENT WITH ST. JOHNS COUNTY COMPREHENSIVE PLAN 2015,

ORDINANCE 2000-34 AND CONSISTENT WITH THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE; FINDING THAT THE MODIFICATIONS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(06/17/03 - 11 - 2:00 p.m.)

12. PUBLIC HEARING - MAJMOD 2002-19 SIX-MILE CREEK PUD, SAINT JOHNS DRI - A NOTICE OF PROPOSED CHANGE (NOPC) TO THE SAINT JOHNS DRI HAS BEEN FILED CONCURRENTLY WITH THIS APPLICATION. THE SUBJECT PROPERTY IS WITHIN THE SIX MILE CREEK PUD AND THE SAINT JOHNS DRI. IT IS COMPRISED OF 4,350 ACRES. THIS REQUEST SEEKS TO MODIFY THE APPROVED PUD TO ADD COMMERCIAL USES TO SIX MILE CREEK NORTH PARCELS 6 AND 9 AND INCREASE THE TOTAL COMMERCIAL SQUARE FOOTAGE BY 21,000 SF. PARCEL 6 WILL HAVE THE ALLOWANCE OF UP TO 15,000 SF OF COMMERCIAL, IN ADDITION TO THE CURRENTLY APPROVED 300 MULTI-FAMILY UNITS. PARCEL 9 WILL HAVE THE ALLOWANCE OF UP TO 6,000 SF OF COMMERCIAL, IN ADDITION TO THE CURRENTLY APPROVED MIXED RESIDENTIAL USE (DESIGNATION TH-TOWNHOME). THE TOTAL COMMERCIAL SQUARE FOOTAGE WILL BE INCREASED TO 151,000 SF, WITH AN INCREASE OF 0.5 ACRES TO A TOTAL OF 16 ACRES. THE SIX MILE CREEK WEST PARCEL 11 DESIGNATION WILL BE CHANGED FROM MULTI-FAMILY (MF) TO SINGLE FAMILY CONVENTIONAL (SFC). TO OFFSET THIS MODIFICATION, PARCEL 10 OF THE SIX MILE CREEK SOUTH WILL BE CHANGED FROM TOWNHOME (TH) TO MULTI-FAMILY (MF). THE TOTAL NUMBER OF MULTI-FAMILY UNITS WITHIN THE SIX MILE CREEK PUD WILL BE REDUCED FROM 900 TO 754. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR JUNE 5, 2003 MEETING WITH A VOTE OF 6-1

Proof of publication of the Notice of Public Hearing on the Notice of Proposed Change on File #MAJMOD 2002-19, St. Johns Six Mile Creek was received, having been published in *The St. Augustine Record* on May 21, 2003.

Nicole Clayton, Planner II, stated that this is the companion application to the NOPC, Item 11. This subject property is within the Six Mile Creek PUD and the Saint Johns DRI and comprises of 4,350 acres. This request seeks to modify the approval PUD to add commercial uses to Six Mile Creek North Parcels 6 and 9 and increase the total commercial square footage by 21,000 square feet. Jacalone mentioned that he has a problem with the setback issue and explained why. Clayton stated that they provided that there would be a seven-foot separation between the eaves. Discussion followed on the setbacks and side yard requirements.

(2:11 p.m.) John Metcalf, 200 Forsythe Street, representing, SJ Land Associates, spoke on the requested waivers.

(2:16 p.m.) Rick Pariani, 109 Knotty Pine Trail, spoke on side yard and rear yard set backs. Discussion followed on having subdivisions with similar setbacks as requested by this item, the requirement of 7 1/2-feet, being able to get to the rear of the houses, and there being a 5-foot setback from the accessory structure to the property line. Metcalf offered, in the event that there is any side yard setback that is less than the 7 1/2 feet as required by the Code, no air conditioning units or similar accessory structures would be allowed in the side yard and no structure would be closer than 5 feet from the property line. (2:29 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 3/0 with Stern and Maguire absent, to enact Ordinance No. 2003-56, known as MAJMOD 2002-19 Six Mile Creek PUD, Saint Johns DRI adopting Findings of Fact to support the motion, including the waivers and**

the adjustments to the waivers as described by the applicant's representative, that there would be no encroachment on any lot by structures from the edge of the structure to 5 feet of the property line and the other language that he included.

ORDINANCE NO. 2003-56

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SIX MILE CREEK PUD, PLANNED UNIT DEVELOPMENT (PUD), ORDINANCE NUMBER 91-37, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(06/17/03 - 12 - 2:30 p.m.)

13. PUBLIC HEARING - ORDINANCE AMENDING MEMBERSHIP REQUIREMENTS OF THE LAMP CONSERVATION BOARD - CONSIDER MOTION TO ENACT AN ORDINANCE AMENDING THE LAMP ORDINANCE 99-3 BY DELETING THE MEMBERSHIP REQUIREMENT THAT 4 OR MORE MEMBERS OF THE LAMP CONSERVATION BOARD MUST BE REPRESENTATIVES OF 501(C)3 NON-PROFIT CONSERVATIONIST, ENVIRONMENTALIST, NATURALIST, OR RECREATIONAL ORGANIZATIONS

Proof of publication of the Notice of Public Hearing on the L.A.M.P. - Land Acquisition and Management Program was received, having been published in *The St. Augustine Record* on June 5, 2003.

Anna Shea, Legal Intern, County Attorney's Office, read the language that was deleted by the request of the Board; Section 7B of Ordinance No. 99-3 that states that 4 or more members shall, at the time of that appointment, be authorized representatives of bona fide 501(c)3 non-profit conservationist, environmentalist, naturalist, or recreational organizations and all other provisions of Ordinance No. 99-3 remain in full force and effect.

(2:32 p.m.) Alfred Guido, 104 Dogwood Drive, spoke on the Lamp Board's specific responsibility and spoke in favor of this item. Discussion followed on choosing the members of the Lamp Board. (2:36 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 3/0 with Stern and Maguire absent, to enact Ordinance No. 2003-57 amending the Lamp Ordinance 99-3 by deleting the membership requirement that 4 or more members of the LAMP Conservation Board must be representatives of 501(c)3 non-profit conservationist, environmentalist, naturalist, or recreational organizations.**

ORDINANCE NO. 2003-57

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 99-3 WHICH ESTABLISHED A LAND ACQUISITION AND MANAGEMENT PROGRAM (LAMP) FOR THE UNINCORPORATED AREAS OF THE COUNTY, CREATED A CONSERVATION ADVISORY BOARD, AND ESTABLISHED A LAND ACQUISITION AND MANAGEMENT PROGRAM FOR THE INCORPORATED AREAS OF PARTICIPATING MUNICIPALITIES; THIS AMENDMENT MODIFIES SECTION 7B OF THE ORDINANCE BY DELETING THE REQUIREMENT THAT FOUR OR MORE MEMBERS OF THE BOARD SHALL BE AUTHORIZED REPRESENTATIVES OF 501(c)3 NON-

**PROFIT CONSERVATIONIST, ENVIRONMENTALIST,
NATURALIST, OR RECREATIONAL ORGANIZATIONS;
PROVIDING FOR AN EFFECTIVE DATE**

The meeting recessed at 2:37 p.m. and Chairman Bryant called the evening session to order at 5:34 p.m. with Stern, Meiszer, Maguire, Jacalone, County Attorney Dan Bosanko, County Administrator Adams, and Cecelia Aldrich, Deputy Clerk, present.

(06/17/03 - 13 - 5:34 p.m.)

14. PUBLIC HEARING - AMENDMENT TO ARTICLE III, PART 3.08.00 MID-ANASTASIA ISLAND OVERLAY DISTRICT OF THE LAND DEVELOPMENT CODE - THIS IS THE FIRST HEARING TO CONSIDER AN AMENDMENT TO PART 3.08.00 OF ARTICLE III OF THE LAND DEVELOPMENT CODE, ESTABLISHING REQUIREMENTS FOR THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT. THE PROPOSED LANGUAGE AND ORDINANCE IS ATTACHED. THIS SUGGESTED CHANGE IS PROPOSED FOLLOWING THE DIRECTION OF THE BOARD TO ADD LANGUAGE REGARDING THE USE OF RACEWAYS FOR WALL SIGNS IN THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT AT THE MAY 6, 2003 BOARD OF COUNTY COMMISSIONERS MEETING

Danielle Mayoros, Planner II, explained that the proposed amendment is at the direction of the Board.

(5:35 p.m.) Frank Shumer, 2419 So. Ponte Vedra Blvd., Ponte Vedra Beach, noted that he is the Chairman of the Architectural Review Committee. He gave background on the Committee and said he was present to talk about the raceway system of signage. He presented some photos (Exhibit A) and explained how raceway signs are constructed and attached to the building surface. Shumer said the Committee's opinion is that raceway signs are less aesthetically pleasing than letters attached directly to the building.

(5:39 p.m.) In response to questioning, about a specific building front on the overhead, by Jacalone, Shumer acknowledged that there was shadowing from the letters affixed directly to the building.

(5:40 p.m.) Mary Kohnke, 29 So. Roscoe Blvd., noted that architectural review committees were designed for particular areas and each decided, with citizen input, what they wanted their community to look like. She noted that they have invested time toward these efforts and she accused Jacalone of criticizing and going after the signage. She said she admired those who have been involved and encouraged the Board to rethink making changes that the citizens do not want.

(5:43 p.m.) Bryant stated that he supports the Mid-Anastasia Visioning group and told Kohnke it was unfair to blame one Commissioner, as he also has supported this.

(5:44 p.m.) Barbara Jenness, 4300 Coastal Hwy., said when the corridor management plan was done to get designated as a State scenic highway, all of the overlay districts were incorporated. She noted that this County has wonderful volunteers who give of their time. She asked that the Board support what the citizens want.

(5:45 p.m.) Sacha Martin, 133 Coastal Hollow Circle, stated that the overlay districts in St. Johns County were written by the citizens of St. Johns County, to create a unique sense of place. She asked that the Board does not violate what the citizens want.

(5:48 p.m.) Esther Marshall, 329 Marshside Drive North, St. Augustine, said she is a member of the Mid-Anastasia Design Review Board and has been since its' inception. She

noted other community affiliations and requested that the overlays for signage be respected.

(5:49 p.m.) Mike Koppenhafer, 1190 Neck Road, Ponte Vedra Beach, noted that he is a member of the Architectural Review Committee, and also a registered architect. He talked about what he considers to be the negatives about raceway signs. He displayed some examples (Exhibit B), and explained the differences in both types of signage. He concluded that he sees the raceway system as taking a step back, rather than forward.

(5:53 p.m.) Jacalone asked questions as to the differences between the two types of signage. Discussion followed on shadowing, cost and overall appearance of both types of signs.

(6:01 p.m.) Edward Underhill, 304 Sea Woods Dr. No., St. Augustine, stated that he is the Chairman of the Mid-Anastasia Island Design Review Board. He read a statement and asked that the overlay remain as it is. He showed a photo of a building that displayed both types of signage. Submissions are included as Exhibit C.

(6:07 p.m.) George Jacunski, 5650 A1A So. #103, said he was present in his capacity as a member of the South Anastasia Community Association Executive Board. He stated his opposition to the proposed amendment to the mid-Anastasia Overlay Ordinance. He said he is also the drafter of the South Anastasia Overlay District Ordinance. He noted they have had input from local businesses.

(6:09 p.m.) Mary Saunders, 107 Clam Bake Court, St Augustine, talked about the birth of the Design Review Board, and its' purpose. She also talked about A1A becoming a scenic highway. She asked the Board to keep the standards that have been working successfully.

(6:12 p.m.) Jacalone stated that there is no secret agenda regarding the overlay districts. He said he has supported every one of them. Jacalone said the overlay document is not etched in stone and will likely warrant periodic review. He said business owners had come to him regarding the difficulties and expense relating to attaching signs directly to buildings and wanted to be able to do it like they used to. He talked about the colors and textures and noted that they are supposed to match. Jacalone provided other reasons as to why the amendment had come about. (6:16 p.m.) Meiszer commented that he tries to represent the majority of the citizens and it is difficult to determine what the majority opinion is. He said he thinks the best argument for sign regulation is uniformity and noted that the Design Review Board has final approval. Meiszer concluded that a building/business owner should be entitled to have whatever kind of sign they want.

(6:22 p.m.) Jacalone announced a second public hearing on July 1, 2003, at 1:30 p.m.

With there being no further business to come before the Board, the meeting adjourned at 6:22 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #335768 through 336032 totaling \$1,754,382.06 (06/10/03)
2. St. Johns Board of County Commissioners Check Register, Check #336033 through 336052 totaling \$42,372.43 (06/12/03)
3. St. Johns Board of County Commissioners Check Register, Check #336053 through 336055 totaling \$4,173.90 (06/13/03)
4. Browning-Ferris Industries of North America, Inc., Jacksonville District, St. Johns County Contract Operations, Financial Statements and Schedules as of September 30, 2002, with Auditors' Report

CORRESPONDENCE:

1. Letter dated June 6, 2003, to Ms. Nell Porter, City Clerk, St. Augustine, forwarding a certified copy of Resolution No. 2003-108, expressing conceptual support to preserve the Ponce De Leon Golf Course

Approved July 8, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Wanda King
Deputy Clerk

