

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 16, 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
 Karen Stern, District 2, Vice-Chair
 Nicholas Meiszer, District 1
 Marc Jacalone, District 3
 Bruce Maguire, District 4
 Ben W. Adams, Jr., County Administrator
 Laura Barrow, Assistant County Attorney
 Robin Platt, Deputy Clerk

Jolie Tillis, Assistant Finance Director, was also present.

(09/16/03 - 1 - 9:08 a.m.)

Chairman Bryant called the meeting to order.

(09/16/03 - 1 - 9:08 a.m.)

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

(09/16/03 - 1 - 9:09 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(09/16/03 - 1 - 9:10 a.m.)

PUBLIC COMMENT

Louise Thrower, 288 Orange Ave., illustrated, utilizing overhead display, the "gentrification of fables and fairy tales" and "contemporary fables and fairy tales" as analogies for growth and water shortages. She also commented on an article that appeared in the September 9, 2003, *folioweekly*.

(09/16/03 - 1 - 9:13 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested that Item 3 be pulled from the Consent Agenda.

(09/16/03 - 1 - 9:13 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Approval of Minutes:
08/19/03 – BCC Regular Meeting
3. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Nelson Engineering, for Environmental Engineering Services for the Tillman Ridge Phase I and II Landfills. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm and continue until an agreement is reached
4. Motion to approve the transfer of \$28,288 from the Public Defenders Office Reserves (1133-59920) to Office Equipment (1133-56401) for 14 new standard personal computers with monitors and CPUs
5. Motion to adopt **Resolution No. 2003-175**, amending Resolution 2002-100, approving the Joint Reimbursement Agreement with the Florida Department of Transportation for improvements to the State Road A1A Corona Drainage Outfall and extending the contract end date

RESOLUTION NO. 2003-175

RESOLUTION, AMENDING RESOLUTION NO. 2002-100, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE JOINT REIMBURSEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE STATE ROAD A1A CORONA DRAINAGE OUTFALL AND EXTENDING THE CONTRACT END DATE

6. Motion to authorize the County Commission Chairman to execute the License Agreement with the St. Johns River Water Management District for the placement of monitoring wells at Riverdale Park
7. Proofs:
 - a. Proof, Notice of Public Hearing, Bulk Water and Wastewater Service Agreement by, and between, Intercoastal Utilities, Inc. and Jacksonville Electric Authority (JEA), St. Johns County, Florida, Tuesday, August 26, 2003 at 9:00 a.m.
 - b. Proof, Notice to Bidders, Bid No. 03-98
 - c. Proof, Notice to Bidders, Bid No. 03-102
 - d. Proof, Notice to Bidders, Bid No. 03-103
 - e. Proof, Notice to Bidders, Bid No. 03-104
 - f. Proof, Notice to Bidders, Bid No. 03-105
 - g. Proof, Notice to Bidders, Bid No. 03-107
 - h. Proof, Notice to Bidders, Bid No. 03-109
 - i. Proof, Notice to Bidders, Bid No. 03-110
 - j. Proof, Request for Qualifications, RFQ No. 03-94
 - k. Proof, Request for Qualifications, RFQ No. 03-95
 - l. Proof, Request for Qualifications, RFQ No. 03-101
 - m. Proof, Request for Qualifications, RFQ No. 03-111
 - n. Proof, Request for Qualifications, RFQ No. 03-112
 - o. Proof, Notice of Special Meeting, Medical Clinics and Health Related Services, St. Johns County Board of County Commissioners, Sept. 4, 2003 at 9:00 a.m.

- p. Proof, Notice of Public Hearing, Rules and Regulations for Vehicle for Hire Drivers, St. Johns County, Florida, August 19, 2003 at 9:30 a.m.
- q. Proof, Notice of Public Hearing, Ordinance/Regulations Affecting Land Use, South Anastasia Island Coastal Corridor Overlay District, St. Johns County, Florida, July 15, 2003 at 5:30 p.m.
- r. Proof, Public Notice, Applications for Special Masters, St. Johns County Value Adjustment Board
- s. Proof, Notice of Meeting, Special Masters 2003, St. Johns County Value Adjustment Board, St. Johns County, Florida, August 11, 2003 at 9:00 a.m.
- t. Proof, Notice of Public Hearing, Ordinance No. 87-57, St. Johns County Road Impact Fee, St. Johns County, Florida, August 26, 2003 at 1:30 p.m.
- u. Proof, Notice of Public Hearing, Ordinance No. 99-51, Property Owners, St. Johns County, Florida, August 26, 2003 at 1:30 p.m.
- v. Proof, Notice of Mediation, CPA 2002-10 Transmittal for Wolfe Ranch, St. Johns County, Florida, August 25, 2003 at 9:00 a.m.
- w. Proof, Notice of Meeting Cancellation, Tuesday, September 2, 2003 9:00 a.m., St. Johns County Board of County Commissioners
- x. Proof, Certificate of Liability Insurance, Badger Drilling, LLC.
- y. Proof, Certificate of Liability Insurance, Boretch, Inc., dba BTI Directional Boring
- z. Proof, Certificate of Liability Insurance, Equibore of America, Inc.
- aa. Proof, Certificate of Liability Insurance, M. D. Moody & Sons, Inc.
- bb. Proof, Certificate of Liability Insurance, Kelly Excavating & Paving, Inc. dba Owl Contracting
- cc. Proof, Notice of Non-Renewal of Insurance, Star Environmental Services, LLC

(09/16/03 – 3 – 9:14 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant added, as Item 2A, a clarification of the transportation bond issue.

Jacalone added, as Item 2B, a discussion of the Treasure Beach canals, and as Item 2C, a discussion of the F.J. Paffe Vilano Beach Property.

Adams added as Item A1, consideration of the State Aid to Libraries Grant Application.

Barrow requested that an item be added regarding the possible continuance of public hearings on upcoming Comp Plan Amendments. It was added as Item 2D.

(09/16/03 – 3 – 9:16 a.m.)

APPROVAL OF REGULAR AGENDA

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

(09/16/03 – 3 – 9:16 a.m.)

A1. CONSIDERATION OF THE STATE AID TO LIBRARIES GRANT APPLICATION

Mary Jane Little, Library Services Director, stated that she needed the Board's approval to submit a grant application and agreement to the State of Florida. The grant award would be approximately \$200,000. (9:17 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to approve the 2004 State Aid to Libraries Grant Application and Grant Agreement, and to direct the Chairman to sign the Grant Agreement.**

(09/16/03 - 4 - 9:17 a.m.)

1. CONSIDER A MOTION TO SETTLE THE COUNTY'S CLAIM AGAINST CAMP, DRESSER & MCKEE (CDM) IN CASE CA 98-1501 (DIV 55) FOR \$5,000

Dan Bosanko, County Attorney, gave a history of this item explaining that the County erroneously built a pump station on property that did not belong to the County. It was built on an adjoining parcel owned by Virginia Whetstone, who has sued the County for damages. The County offered to trade parcels, but that was unacceptable to the property owner. The County then brought the engineering company and the construction company into the lawsuit, as they were responsible to the County for the error. Camp, Dresser and McKee have requested to be let out of the lawsuit for a settlement of \$5,000 and Bosanko stated that it was now his recommendation to reject this offer. Discussion followed regarding the possibility, and related costs, of moving the pump station.

(9:24 p.m.) **Motion by Jacalone, seconded by Stern, to reject to settlement offer from CDM in case CA98-1501 for \$5,000.** Discussion followed regarding the knowledge that the pump station was placed erroneously when the property was purchased by Whetstone.

(9:27 a.m.) **The motion carried 5/0.**

(09/16/03 - 4 - 9:28 a.m.)

2. CONSIDER AN APPOINTMENT TO THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION (FCMPO) CITIZEN ADVISORY COMMITTEE

Melissa Lundquist, Administrative Coordinator, presented the details of this item.

(9:28 a.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to appoint Mr. Henry Whetstone to serve as a member of the First Coast Metropolitan Planning Organization Citizen Advisory Committee.**

(09/16/03 - 4 - 9:29 a.m.)

- 2A. DISCUSSION REGARDING CLARIFICATION OF THE TRANSPORTATION BOND UNDERWRITING FEES

Commissioner Bryant handed out a memo from Mitch Owens, and stated that it was brought to his attention that there was some confusion about the underwriting fees. He said that what he understood, and voted to approve, was that the fee would be \$5.54 per \$1,000 unit, not \$4.00 per unit. Stern and Maguire both concurred that their decision was based on the \$5.54 rate. (9:32 a.m.) **Motion by Bryant, seconded by Meiszer, carried 5/0, to approve the \$5.54 per \$1,000 unit of bonds with Merchant Capital and H.R. Hough.**

(09/16/03 - 4 - 9:33 a.m.)

- 2B. DISCUSSION ON THE TREASURE BEACH CANALS

Commissioner Jacalone reported that he had a meeting with the Treasure Beach Property Owners Association. He reviewed the history of the canals, including the assessments and past maintenance of the canals. He stated that the canals were County owned and, as such, the County needed to maintain those canals. He gave a PowerPoint presentation to illustrate the different types of bulkheads, the problems with the bulkheads, debris in the canals, and the low water levels. He suggested that the property owners who were not in compliance with the County Ordinance regarding

bulkheads, be noticed so that they could bring the bulkheads up to standard. Then the County could work on dredging and repairing the canals. Discussion followed regarding bulkheading and removing the debris.

(9:41 p.m.) Motion by Jacalone, seconded by Meiszer, carried 5/0, to direct the County Administrator to notice the property owners within the Treasure Beach subdivision who are not in compliance with the County's Bulkhead Ordinance, giving them 90 days to come into compliance with that Ordinance, and for the County Administrator also to look into the removal of the debris that is currently in the canals and come back [to the Board] with a cost analysis.

(09/16/03 - 5 - 9:44 a.m.)

2C. DISCUSSION OF THE F.J. PAFJE VILANO BEACH PROPERTY

Commissioner Jacalone addressed an item that Bosanko brought before the Board at the last meeting regarding property owned by Mr. Paffe. Jacalone explained that there was damage to that property caused by a drainage project done by the County. He met with Mr. Paffe and stated that he had an extensive compilation of data and felt that if the County did not settle with him, the County would end up in court. Jacalone stated that after looking at all of the information he had, it was his opinion that the County may have some responsibility in this issue. He requested that the Board allow Mr. Adams, or Mr. Bosanko, to negotiate with Mr. Paffe to settle this issue.

(9:47 a.m.) Bryant stated that he met with Staff, and that he and Adams have looked at the property. He recommended that a presentation be made before any settlement offer was considered and Stern agreed.

(9:48 a.m.) Meiszer stated that he was very much in favor of the County Administrator meeting with the property owner and working out a solution, and then bringing a recommendation back to the Board.

(9:50 a.m.) Bosanko stated that Staff was of the opinion that there was no liability by the County, but they could review it again. Bryant stated that maybe it was time for a full Board review and Jacalone supported Meiszer's previous suggestion and stated that the amount of money at issue did not warrant a lot of time being spent on this item. Stern said that she could accept Meiszer's recommendation, too.

(9:53 p.m.) Maguire questioned if this could be rectified by repair or replacement, or did Mr. Paffe want cash. Bryant responded he thought that he only wanted cash.

(9:53 a.m.) Adams said that he would be glad to revisit this issue, if that was what the Board wanted.

(9:54 a.m.) Meiszer stated that the Board should direct Staff to come back with a solution or a settlement, not statements about what Mr. Paffe wanted or what Staff wanted, and if Mr. Paffe wanted cash, find out how much.

(9:55 p.m.) Bosanko stated that there has been substantial discussion about repairing the damage and, so far, Staff has not found anything they could recommend that the County could accept, but they would look at it again. Bryant stated that one more good faith effort should be made to settle this matter. Jacalone stated that he looked at this and that his opinion differed from Staff's.

(09/16/03 - 6 - 9:56 a.m.)

2D. DISCUSSION OF A POSSIBLE CONTINUANCE OF ADVERTISED PUBLIC HEARINGS ON COMPREHENSIVE PLAN AMENDMENTS

Dan Bosanko, County Attorney, stated that he learned of a problem with the advertising on one of the Comprehensive Plan Amendments that was scheduled for next week relating to the Nine Mile Gang parcel. He reviewed the procedures for the twice-per-year amendment cycle and stated that since there was a problem with one of the items, they should all be rescheduled for October 14, 2003. He also explained the problem with the ad.

(10:00 a.m.) Teresa Bishop, Planning Director, said that she had contacted the other parties who had items scheduled for next week and there were no objections to moving the hearings to October 14th.

(10:01 a.m.) Jacalone suggested that in the future advertisements state that there could possibly be text changes. Discussion followed regarding possible solutions.

(10:02 a.m.) Motion by Jacalone, seconded by Stern, carried 5/0, to support the recommendation of the County Attorney and readvertise these Comp Plan Amendments for October 14, at 1:30 p.m.

(09/16/03 - 6 - 10:03 a.m.)

3. CONSIDER A MOTION TO APPROVE THE FINALIZED TRANSPORTATION REVENUE BOND PROJECT PRIORITY LIST

Tillis left the meeting.

Joe Stephenson, Public Works Director, reviewed the types of projects that were eligible for the \$30 million in bond proceeds. He explained that the funds must be used within three years and are restricted to capital transportation uses. He stated that the projects and figures on the list are a part of the annual CIP budget process and are included in the 2004 recommended budget.

(10:10 a.m.) Meiszer commented that a \$30 million bond issuance did not yield \$30 million, as expenses and costs have to be deducted. Stephenson explained that the \$30 million figure was a working figure since all of the expenses and costs were not known at that time.

(10:12 a.m.) Stephenson reviewed the projects on the Debt Financing Project Lists and explained how the list was created, and stated that the projects on the list needed to be prioritized and flexible.

(10:15 a.m.) Jacalone addressed the purchase of land for mitigation, including \$3 million that was paid for approximately 700 acres for the Turnbull property. Stephenson explained that those 700 acres would not even satisfy all of the demand for mitigation land relating to the north/south corridor. Meiszer spoke in favor of setting aside mitigation land, but he was not in favor of funding the purchases with bond funds. He stated that he was in favor of approving the list as presented. Maguire commented that he also liked the list as it was presented, and addressed the escalating cost of mitigation land. Stern, too, liked the list as presented.

(10:28 a.m.) Meiszer objected to a project on the list entitled Countywide Contour Mapping, as it was not, in his opinion, a CIP project and therefore not eligible for bond funding. Stephenson responded that he was assured that the maps themselves

represent a capital asset and were therefore eligible. Meiszer insisted that it was not eligible and Stephenson said that he would remove it from the list.

(10:31 a.m.) Joe Vonasek, Director of Management and Budget, assured the Board that all of the projects on the list were reviewed by the County's bond attorney, and were deemed eligible.

(10:31 a.m.) Jacalone requested from Stephenson a report on the total amount of money the County has spent so far for mitigation land. Stephenson said he would get the information.

(10:33 a.m.) **Motion by Jacalone, seconded by Stern, to approve the Debt Financing Project List, excluding the Countywide Contour Mapping item.** Discussion followed regarding the time involved in purchasing mitigation land and the costs of buying large tracts of land for mitigation. (10:39 a.m.) **The motion carried 5/0.**

(10:39 a.m.) Bryant stated that members of the Youth Leadership of St. Johns were in the audience observing the meeting. Kathy Mignerey explained that the program was made up of students from all of the high schools in the County, and the goal of the program. The meeting recessed at 10:42 a.m. until 10:47 a.m.

(09/16/03 - 7- 10:47 a.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer
No report.

Commissioner Maguire
No report.

Commissioner Stern
No report.

(10:48 a.m.)
Commissioner Jacalone
Jacalone questioned if anyone in Administration had heard from the trash haulers regarding reimplementing glass recycling. Adams responded that he had meetings scheduled tomorrow and Friday to address that issue.

(10:49 a.m.)
Commissioner Bryant
Bryant addressed an article that was printed in *folioweekly* regarding statements that he felt were erroneous and unprofessional, one in particular, that the County Attorney should be adversarial. Bosanko stated that, per case law, that the advisor to the Board had to be non-adversarial and give advice based upon his or her best opinion. Bryant also pointed out that some of the Board members were businessmen, as well as County Commissioners.

(10:51 a.m.) Meiszer stated that sometimes when interviews are given, what gets printed is not always what was said. He commented that he did not intend any slight or offense to anyone, and he offered an apology to anyone who may have been offended.

(09/16/03 - 7 - 10:52 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board that there was a 5:30 p.m. Public Hearing today and that next week there would be a discussion on the Ponce Golf Course and the CRA. There would be a Superbowl update on October 7, at 9:00 a.m. with Mike Kelly.

(09/16/03 - 8 - 10:52 a.m.)

COUNTY ATTORNEY'S REPORT

Barrow elaborated on the golf course/ CRA issue with the City, stating that the City Commission voted down the purchase of the golf course, but passed a Resolution to create a CRA. She stated that the City did not give the County sufficient notice regarding that Resolution and her office would like to get direction from the Board regarding how to proceed. Discussion followed regarding the possible options for the Board to respond.

(09/16/03 - 8 - 10:55 a.m.)

CLERK OF COURT'S REPORT

No report.

(10:55 a.m.) Bryant opened the floor for questions or comments from members of the Youth Leadership of St. Johns and he gave all of the Commissioners an opportunity to comment on the function of the Board of County Commissioners. Maguire, Meiszer, Jacalone, Stern and Bryant commented.

(11:05 a.m.) Chandler Coggins, 2198 Hawkcrest Dr. E., Jacksonville, questioned how the Board balanced population growth against environmental issues. Bryant, Stern and Maguire responded.

(11:10 a.m.) Steven Barnett, Jr., 3471 Usina Road, questioned if there was an Ordinance that regulated dogs on the beach and why glass recycling was discontinued, and when it would be reinstated. Jacalone, Bryant and Adams responded.

(11:14 a.m.) Katie Van Deventer, 2655 S. Ponte Vedra Blvd., addressed traffic concerns at Micklers cut-off. Jacalone and Bryant responded.

(11:17 a.m.) Jessie Sperrazza, 128 Seabury Circle, Ponte Vedra, questioned beach access and parking in Ponte Vedra and at Micklers Landing. Maguire, Stern and Bryant responded.

(11:20 a.m.) Jacalone stated that he received a memo from John Schwab, concerning the County's "eventual" acquisition of some utility assets, which implied that the deal was done, and he pointed out that the acquisition was possible, but not "eventual".

The meeting recessed at 11:21 a.m. and reconvened at 1:34 p.m., with Bryant, Jacalone, Stern, Meiszer, Adams, Isabelle Lopez, Assistant County Attorney and Cecelia Aldrich, Deputy Clerk, present; Maguire was absent. Court Reporter, Cathy Ardito was also present.

(09/16/03 - 8 - 1:34 p.m.)

4. PUBLIC HEARING - NZVAR 03-003 HANSEN/BEAVER CT. - THE APPLICANT, ELIZABETH D. HANSEN, IS OWNER OF LOTS 9 THROUGH 13, IN BLOCK 6, IN ST. AUGUSTINE PARK UNIT 1. THE APPLICANT DESIRES TO BUILD A HOME ON A LOT 125' BY 100' ZONED RS-3 AND ACCESS THE LOT VIA A PROPOSED DRIVEWAY WITHIN A PLATTED RIGHT-OF-WAY FOR A DISTANCE OF APPROXIMATELY 490 FEET. THE APPLICANT IS SEEKING A VARIANCE FROM THE FOLLOWING SECTIONS OF THE LAND

DEVELOPMENT CODE. SECTION 6.04.00 - REQUIRES UNOPENED ROADS BE OPENED TO COUNTY STANDARDS, FOR THIS INSTANCE, TWENTY (20) FEET IN WIDTH. SECTION 6.04.01 - REQUIRES SIGNED AND SEALED PLANS WITH DRAINAGE CALCULATIONS TO BE SUBMITTED FOR REVIEW AND APPROVAL

Proof of publication regarding the Notice of Public Hearing on File No. NZVAR 03-003, Hansen/Beaver Court, was received, having been published in *The St. Augustine Record* on September 1, 2003.

Richard Tomich, Development Review Chief Engineer, explained that the request involved opening a road and read the summary on the Agenda cover sheet. He identified the property location on the General Zoning Map and noted that the proposed driveway, on a County right-of-way would be in excess of 600 feet. Tomich said the request was contradictory to Sections of the Land Development Code. He stated that the proposed access would warrant opening a portion of three roads, and noted that the request was not supported by Staff.

(1:37 p.m.) Jacalone asked for clarification on the footprint of the driveway and said he had the same concern as Staff. He said this would be allowing a lot way interior and far removed from an open County right-of-way. He said this had been done previously, but only to access a lot close to, or abutting the end of, an existing open County right-of-way.

(1:38 p.m.) Elizabeth Hansen, 3647 Fort Peyton Circle, St. Augustine, the applicant, stated that all the roads in the area of the proposed driveway, are dirt roads and the County is requesting that she bring the proposed driveway up to paved road standards. She said she only wanted a driveway to access her lot, to build a home.

Discussion followed about platted versus unplatted County roads and rights-of-way, the length of the proposed driveway and drainage issues. (1:43 p.m.) Meiszer said he did not think it could be called a driveway, as a driveway would have to be on the property it serves, and the applicant did not own the property upon which they plan to build a driveway. (1:44 p.m.) Jacalone asked how long the applicant has owned the lot and she responded about a year and a half. It was noted that another house in the area has been there a substantial number of years. (1:45 p.m.) Jacalone said he could not support the request as it has come before the Board. He said it would open up the rest of the lots to development with roads that were far below standard, and there were safety reasons.

(1:45 p.m.) Motion by Jacalone, seconded by Stern, carried 4/0, with Maguire absent, to deny NZVAR 2003-003, based upon failure to provide substantial evidence for any one of the five Findings of Fact.

(09/16/03 - 10 - 1:46 p.m.)

5. PUBLIC HEARING - PUD 2003-05 WORTHINGTON PARK PUD - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 125.48 ACRES LOCATED AT 2145 SR 13 NORTH FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW FOR THE DEVELOPMENT OF 170 SINGLE FAMILY RESIDENTIAL UNITS WITH ASSOCIATED RECREATIONAL FACILITIES. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RESIDENTIAL B FUTURE LAND USE DESIGNATION. A FINAL CERTIFICATE OF CONCURRENCY (FCOC) CONMAJ 2002-21 WAS

APPROVED ON APRIL 9, 2003 FOR PHASE I OF WORTHINGTON PARK PUD, CONSISTING OF 149 SINGLE-FAMILY RESIDENTIAL UNITS. THE FCOC MEETS THE LDC SECTION 11.00.01 REQUIREMENT OF CONCURRENCY APPROVAL FOR A MINIMUM OF 1/3 OF THE MAXIMUM DEVELOPMENT ALLOWED BY THE PROPOSED REZONING. THE MAJOR PROJECT ACCESS WILL BE SR 13 NORTH. CENTRAL WATER, SEWER AND ELECTRIC WILL BE PROVIDED BY JEA AND UTILITIES WILL BE INSTALLED UNDERGROUND. THERE ARE NO KNOWN SIGNIFICANT NATURAL COMMUNITIES HABITAT OR LISTED SPECIES ON THIS SITE. THE PROJECT WILL BE DEVELOPED IN TWO FIVE-YEAR PHASES. CONSTRUCTION WILL BE COMMENCED WITHIN FOUR YEARS OF PUD APPROVAL. COMMENCEMENT SHALL BE DEFINED AS THE APPROVAL OF CONSTRUCTION PLANS. COMPLETION SHALL BE DEFINED AS APPROVAL OF AS-BUILTS

Proof of publication regarding the Notice of Public Hearing on PUD 2003-05, 2145 State Road 13, Worthington Park PUD, was received, having been published in *The St. Augustine Record* on August 20, 2003.

Nicole Clayton, AICP, Planner III, described the proposed re-zoning request and noted that the applicant had a final Certificate of Concurrency. She talked about the access, infrastructure, and the proposed construction schedule. Clayton reviewed three sets of waivers from the Land Development Code that had been requested: side and front yard setbacks, details of recreational structures, and setback requirements for pool screen enclosures and/or decks. She stated that a package (Exhibit A) was distributed to the Board at the start of the meeting. Referring to the amended text regarding lot coverage, Clayton said a PUD did not have maximum allowable lot coverage, and therefore a waiver was not necessary. She noted that the signage issue was addressed, but there was still a concern in that it has been called a "directional" sign (which has a maximum size), rather than an "amenity" sign. She added that the applicant would address the signage issue and noted that a Wildlife Assessment Report was included in the submission. Clayton stated that the attorneys' issues on the co-trustees had been answered.

(1:54 p.m.) Meiszer asked what the term zoning "program" meant. Clayton said it was the name for the group of people who administrate the zoning portions of the Land Development Code. He questioned if a group of Staff people did not support the waiver and Clayton said that was correct. Meiszer expressed concern about not having ample time to review changes when they were received at a meeting. He suggested that when applicants submit an amendment, they ask for a postponement. (1:57 p.m.) Jacalone asked about wetland acreage and Clayton responded that there were 21.4 acres of wetlands. Jacalone asked for clarification on the setbacks and the lot coverage in RS-3. Clayton explained the sideyard requirements and responded that the maximum lot coverage in RS-3 is 35%. (2:00 p.m.) Stern asked what the average size of an eave is and Clayton said they are generally two and one half to three feet. Stern established that, in some instances, the distance between eaves could be four feet. Clayton said the developer had stated that they would maintain a 10-foot separation between the dwelling units.

(2:01 p.m.) George McClure, 170 Malaga Street, Suite A, stated he was present on behalf of the applicant. McClure acknowledged the presence of Susan Wood, The Wood Development Company and Karen Taylor. In addressing the waivers, McClure said they have eliminated the request for the waiver from the scenic highway signage criteria. He noted that the lot coverage issue had been resolved and agreed with Clayton that the text would be changed from "directional" to "amenity" signage, so

people would know that it was a public civic area. McClure referred to the 2002 Aerial Photography Map and located roads in the area of the proposed project. He identified some of the developments in the surrounding area. He located the wetland impact areas, as well as the upland areas, within the site and noted that 54.95 acres were being preserved as recreation and open space. McClure explained the rationale for the layout of the development and stated that the lots have been kept small, with a 7,000 square foot minimum, but 44% of the entire site would be common area, managed by the homeowners. He pointed out that most lots back up to open areas, wetlands, etc.

(2:13 p.m.) Jacalone indicated the only problem he had was with the waiver regarding the setbacks, and said he did not want to do that anymore. He said when the appropriate agencies review the master development plan, including the drainage and lot coverage, it would be handled then. Discussion followed on buffering, open space and/or acreage that has been set aside for wetlands. (2:18 p.m.) Stern also noted that she had a problem with the first waiver regarding the setbacks. McClure asked if the problem was the eave to eave distance, or the wall-to-wall distance. Stern said the eave to eave was very close. (2:19 p.m.) Meiszer asked if the PZA had approved this without the changes that were made between September 3rd and today. McClure said they asked at the PZA meeting, and he agreed, to eliminate the requested waiver to signage on the scenic highway. Meiszer gave an example of a five-foot distance and said he could not support any of the variances. (2:20 p.m.) Meiszer disclosed ex parte communication with the developer about the density, setbacks, signage and the development in general.

(2:20 p.m.) Lester Johnson, 1985 SR 13, Switzerland, stated that his property abuts the development. He said he was not against development, but he was concerned about the density of the property. He noted that his home is situated on two and one half acres and the other properties that surround the proposed complex consist of an acre and a half, or more. Johnson said there were 125 acres, with only 53 buildable, and they were putting 170 houses there. He said he received the revision at 9:22 a.m., and had not had time to review it. He talked about transition in densities and said he did not feel it was compatible. He also questioned if the environmental study was complete. Johnson talked about overspill from a retention pond and also produced a letter from JEA (Exhibit B) that indicated there was not a firm commitment to supply water and sewer to this project.

(2:29 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. S., Fruit Cove, stated she was not in favor of this rezoning. She mentioned overburdening the current infrastructure and incompatibility with surrounding homes. She referred to the Public Meeting mentioned by McClure and expressed concern that it was not well publicized. She said there were a lot of people who could not be present due to work schedules.

(2:30 p.m.) Louise Thrower, 288 Orange Avenue, stated that she took exception to the fact that there were changes submitted this morning and agreed with Meiszer that there should be a continuance. She spoke against the proposed development and referred to compatibility, lot sizes, and road layout, Exhibit C. She expressed concern about the additional traffic on SR 13 and said she thought there should be a continuance.

(2:33 p.m.) Mary Cornwell, 2652 SR 13, Switzerland, stated that she wanted more than three minutes speaking time. She asked for three minutes as President of the Scenic Highway Corridor Group and three minutes as a private citizen. Bryant responded that she would have three minutes to address the Board, unless someone else would give her time. Cornwell said there should be a continuation of this item as there are 55 property owners, adjacent to this area, who had not been properly notified. She said she did not think *The St. Augustine Record* constitutes proper notice and thought there

should be notification by letter. Cornwell stated that the subdivision did not portray a rural character and referenced wildlife in the area. She indicated that four-laning would negatively impact the scenic highway and noted that there was already a report from Rivertown on overcrowded schools.

(2:39 p.m.) Stern noted that the Board was given a copy of the Wildlife Assessment Report.

(2:40 p.m.) Tim Ford, 1066 Bernath Road, stated that he was not against the development and noted that he had been of the opinion that there was going to be two houses per acre. In regard to notification, he said he did not get a letter, but he did see a green sign. He expressed concern about the lot coverage and wanted to hear about the SR 13 entry.

(2:43 p.m.) McClure reported that there were 51 envelopes prepared for abutting property owners for both the Planning and Zoning meeting and this meeting. He said if people did not get notified, it was because they lived beyond the 300-foot perimeter. He talked about the pattern of development in the area and compared what exists for drainage, wetlands, etc., to the proposed development. McClure explained the reason why they could have the same net number of units per acre as the neighbors, and yet have smaller individual lot sizes. He addressed notification to the public and suggested that they should post the property, as well as advertise in the newspaper. In reference to the setbacks and increasing the space between homes, he proposed that they measure the five-foot setback and the 10-foot separation between structures from eave to eave, so the wall of the structure is farther away than that. In regard to pools, he said it was the screen enclosure that must remain at least five feet away from the sideline. He said they would like to retain the ability of not having two front yards on corner lots.

(2:48 p.m.) Jacalone asked Clayton for clarification on the setback language. Clayton confirmed that the sideyard setback in PUDs is 7 ½ feet, and if there are two front yards, there is a 20% reduction to the second. Jacalone said he thought they should comply with the sideyard setback requirements that pertain to PUDs and he did not have a problem with the waiver request for the second front yard. He said he did not have a problem with the maximum lot coverage or the five-foot rear yard setback. (2:51 p.m.) McClure talked about the overhang allowance in RS-3 zoning and a provision in the Standard Zoning Classification that allows for eaves to be five feet apart. Discussion followed on the setback in RS-3 and how much the eave could intrude into the sideyard setback. (2:59 p.m.) Teresa Bishop, Planning Director, read from Section H of the Code regarding permitted projections, "*. . . not more than three feet into the required front and rear yards; three feet into side yards, which measure a minimum of eight feet in width and two and one half feet into side yards measuring seven and one half feet in width. No such intrusion is permitted in the sideyards less than seven and one half feet in width.*" She said her understanding was that the measurement was from the end of the eave, and that you could project two and one half feet back into the seven and one half-foot required side yard.

(3:02 p.m.) Bryant asked how the 35% versus the 50% lot coverage would affect the project. Clayton said there would still be the same amount of lots, just smaller houses on those lots.

(3:03 p.m.) In response to remarks about lot size, McClure said they didn't plot lots into the required development edges so that it would be owned by the HOA and there would not be an inclination to clear in that area. Given the clarification received, McClure said they would abandon the waiver and comply with the seven and one half

foot sideyard setback requirement with the ability for the eaves to intrude up to two and one half feet.

(3:04 p.m.) **Motion by Jacalone, seconded by Stern, to enact Ordinance 2003-76, adopting Findings contained within the package to support the motion; granting waivers that are requested, excluding waiver to the County sideyard requirement and waiver number four, which the applicant has informed the Board has gone away, which is the height of the sign along the scenic highway.** (3:05 a.m.) Meiszer questioned what the purpose was for reducing the setbacks from the requirements of the Land Use Plan. He said it would seem it was to increase the square footage of the building put on the lot, which would increase the cost of the building. Meiszer said he could not support it, because he thought a setback should be a ratio of the size of the lot and the size of the dwelling, and the smaller the lot the more critical the setback becomes. He did not agree with decreasing the lot size for more density and dwellings on the property to increase profits, and stated it was not a good reason for a community to change those requirements. (3:07 p.m.) Bryant noted his concern regarding the 35% lot coverage and feared it would encourage more two-story structures. (3:08 p.m.) Clayton asked Commissioner Jacalone to include the changes seen today and the applicants stated language to change the civic sign: text would be changed from "directional" signage to "amenity" signage, and they would abandon the waiver and comply with the seven and one half foot sideyard setback requirement with the ability for the eaves to intrude up to two and one half feet. (3:08 p.m.) **Jacalone responded in the affirmative to include the changes. Motion carried 3/1, with Meiszer voting nay, and Maguire absent.**

ORDINANCE 2003-76

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM OPEN RURAL (OR)
TO PLANNED UNIT DEVELOPMENT (PUD);
PROVIDING FINDINGS OF FACT; PROVIDING A
SAVINGS CLAUSE; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

The meeting recessed at 3:08 p.m. and reconvened at 3:19 p.m. with Dan Bosanko present and Lopez gone.

(09/16/03 - 13 - 3:19 p.m.)

6. PUBLIC HEARING - APPEAL OF FINAL CERTIFICATE OF CONCURRENCY CONMAJ2002-36A - LAS CALINAS PRD - THE CONCURRENCY REVIEW COMMITTEE (CRC) APPROVED A FINAL CERTIFICATE OF CONCURRENCY CONMAJ2002-36A ON MAY 14, 2003, FOR THE DEVELOPMENT OF THE LAS CALINAS PRD CONSISTING OF 585 SINGLE FAMILY RESIDENTIAL UNITS AND 19,000 SQ. FT. OF SHOPPING CENTER SPACE LOCATED ON THE EAST SIDE OF US 1 NORTH JUST NORTH OF INTERNATIONAL GOLF PARKWAY. (COPY OF FINAL CERTIFICATE OF CONCURRENCY AND STAFF REPORT ATTACHED). AN APPEAL OF THE CONCURRENCY DETERMINATION WAS FILED ON JUNE 13, 2003 AND WAS AMENDED ON AUGUST 4, 2003 (COPY ATTACHED). THE GROUNDS FOR THE APPEAL STATES THAT (1) THE INFORMATION PROVIDED FOR CRC CONSIDERATION IN MAKING ITS DETERMINATION WAS INCOMPLETE; (2) THE APPLICATION FAILED TO COMPLY WITH ARTICLE XI OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE; (3) THE PROPOSED PRD DEVELOPMENT IS INCONSISTENT WITH THE ST. JOHNS COUNTY 2015 COMPREHENSIVE LAND USE PLAN; AND (4) ANY AWARD OF CONCURRENCY, BASED ON A CONDITION WHICH CANNOT BE MET OR RESULTS IN AN ERRONEOUS

REMOVAL OF CAPACITY AND IS A DENIAL OF THE PROCEDURAL DUE PROCESS RIGHTS OF THE APPLICANT (APPELLANT), WHO HOLDS APPROVED DEVELOPMENT RIGHTS FOR WHICH IT CANNOT OBTAIN CONCURRENCY (SEE EXHIBIT "B" OF THE APPLICATION FOR APPEAL). AT THE TIME THE APPEAL WAS FILED, THE LAS CALINAS PRD REZONING APPLICATION INCLUDED TWO SEPARATE PARCELS. LAS CALINAS EAST (LOCATED ON THE EAST SIDE OF US 1 NORTH) AND LAS CALINAS WEST (LOCATED WEST OF INTERNATIONAL GOLF PARKWAY, NORTH OF SR 16). THE APPLICATION FOR REZONING TO PRD INCLUDED A TOTAL OF 585 SINGLE FAMILY RESIDENTIAL UNITS AND 19,000 SQ. FT. OF COMMERCIAL SPACE. THE APPLICANT FOR THE LAS CALINAS PRD HAS SINCE REVISED THE PRD APPLICATION TO REMOVE THE LAS CALINAS WEST PARCEL AND TO REDUCE THE NUMBER OF RESIDENTIAL UNITS FROM 585 TO 368

Proof of publication regarding the Notice of Public Hearing on File No. PLNAPPL 2003-02, Las Calinas PRD (CONMAJ2002-36A), was received, having been published in *The St. Augustine Record* on August 29, 2003.

Shawn Collins, Transportation Planning Manager, provided a chronology of events (Exhibit A), and outlined the changes surrounding the proposed project. The changes included locations, as well as the number of residential units and the commercial square footage amount. He reviewed how these changes affected the number of trips relating to concurrency. Collins noted that Las Calinas West was not awarded any concurrency trips and asked that the appeal be denied.

(3:30 p.m.) Jacalone established that the property had not yet been rezoned and that concurrency was never requested, or granted, for Las Calinas West. Collins noted that they have more concurrency than they need and it could be released, based on the Board's decision.

(3:31 p.m.) John Metcalf, 245 Riverside Avenue, stated he was representing Towers Homes, Tolomato LLC, and Kensington LLC and the applicants for the PRD, the PUD and the Concurrency Certificate that has already been issued. He stated that they were not the appellants. He explained the location and circumstances surrounding Las Calinas West, which is no longer a part of the proposed development. Metcalf reviewed the processes that they went through since December 2002. He explained the rationale for changes that had occurred in the plans, reviewed the discrepancies and the current number of units. He stated that they were not trying to hold on to concurrency and their position was that the appeal was mainly about the zoning request. He said their position is that the concurrency process is not the proper place to have an argument over the appropriateness of a rezoning, or whether it complied with the Comprehensive Plan. He stated that the argument is moot, because it [Las Calinas West] was no longer part of the application and proper procedures were followed. He summed up that under the Land Development Code, they would not end up with more concurrency than they should.

(3:42 p.m.) Bosanko stated that this hearing was a quasi-judicial hearing and Board members should disclose ex parte communications.

(3:43 p.m.) Jacalone asked about the number of units in the original concurrency application. Metcalf responded that it was a combination of the Kensington PUD and the Las Calinas PRD and totaled 800 units, and of that roughly 400 were attributed to Las Calinas. Metcalf handed out the time line (Exhibit B) that outlined the happenings

through June 2003. Discussion followed relating to the time line and the reason for the changes.

(3:48 p.m.) McClure, 170 Malaga St. Ste. A, St. Augustine, stated that he represented, Marshall Creek Ltd. Partnership. He explained why his client was an affected party and talked about circumstances surrounding the Marshall Creek DRI, and the difficulty they have had in moving forward with the project. He talked about the concurrency method and/or lack thereof and gave an historical account of issues relating to the concurrency of the Marshall Creek project. He commented that they were told they could not get anymore and then this other project, on the same roadway, received approval. McClure reviewed their objections and stated that the Certificate of Concurrency was in error because it did not address the entire parcel for which the rezoning was applied and therefore, was not valid. (4:01 p.m.) Metcalf stood up and disagreed with McClure addressing another project, by another applicant, that had already been turned down and withdrawn. McClure said he thought it was relevant because it addressed the same property. McClure continued talking about Las Calinas West and Wolfe Ranch and referred to several documents regarding concurrency, Exhibit C. In conclusion, he stated that it was his opinion that the Certificate of Concurrency was not valid and the applicant needed to resubmit.

(4:06 p.m.) Bosanko asked McClure what portion of the appeal his evidence supported. McClure responded with details of the application. Discussion followed on whether or not it could be considered the same application, given the changes that had occurred. (4:10 p.m.) Bryant asked Bosanko for his opinion and Bosanko said he saw it as one continuous application. He acknowledged that there were substantial amendments, but that it was not a complete amendment, and the substance of the project remained the same.

Discussion followed relating to how many trips may become available with the release of extra trips from this project.

(4:17 p.m.) Jacalone established clarification on what was being recommended by Staff. (4:18 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0, with Maguire absent, to deny the appeal upholding the Final Certificate of Concurrency granted May 14, 2003, and to accept the release of all trips over the 368 single-family units and 19,000 sq. ft. commercial [space].**

(4:19 p.m.) Bosanko stated that the rules on appeals and concurrency require a Special Order and with the Board's consensus, he would draft a document with the Findings of Fact and Conclusions of Law for next week's agenda.

(4:20 p.m.) Bryant commented that when a project like this changes faces several times, it would appear that it needs a new concurrency application. Bosanko reviewed the details of the application and said that Las Calinas West should never have been part of the application. There was discussion about the possibility of looking at possible changes to the rules.

(4:30 p.m.) Bosanko left the meeting and Lopez entered.

(09/16/03 - 15 - 4:30 p.m.)

7. PUBLIC HEARING - PNZVAR 2003-03, TREASURE BEACH PLAZA - THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.07.05.A.5 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT) SEEKING TO REDUCE A SOUTH REAR YARD REQUIREMENT FROM 30

FEET TO 18 FEET. THIS PROVISION REQUIRES THAT WHERE A PROPOSED BUILDING ADJOINS AN EXISTING RESIDENTIAL LAND USE OR RESIDENTIALLY ZONED LANDS, THE MINIMUM ADJOINING YARD REQUIREMENT (WHETHER IT IS A SIDE OR REAR YARD, OR BOTH) IS THIRTY (30) FEET FOR A ONE STORY BUILDING. THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE STORY SHOPPING/RETAIL CENTER ON PROPERTY THAT IS ZONED COMMERCIAL NEIGHBORHOOD (CN) AND LOCATED ON THE WEST SIDE OF STATE ROAD A1A SOUTH. THE SUBJECT DEVELOPMENT SITE CONSISTS OF FIVE PLATTED LOTS THAT MEASURE APPROXIMATELY 250 FEET DEEP AND 164 FEET WIDE. SINCE THE SUBJECT SITE PARTIALLY ADJOINS RESIDENTIALLY ZONED LAND, THE THIRTY-FOOT SIDE YARD REQUIREMENT APPLIES

Proof of publication regarding the Notice of Public Hearing on File No. PNZVAR 2003-03, Treasure Beach Plaza, was received, having been published in *The St. Augustine Record* on August 29, 2003.

Danielle Mayoros, Planner II , reviewed the request and referred to the overhead map to locate the five subject lots.

(4:31 p.m.) Jacalone agreed with Staff's comments. (4:32 p.m.) **Motion by Jacalone, seconded by Stern, to approve PNZVAR 2003-03, Treasure Beach Plaza, making the Findings contained within the package supportive of that motion.** Meiszer noted that he has received numerous complaints regarding shopping centers being built adjacent to residential properties.

(4:35 p.m.) Leo Kerscher, 6071 Costanero Road, stated that he lived close to the proposed development and noted that there was a bus stop there, where all the children wait. He said he did not want to hear more noise from A1A, expressed concern about the buffer being taken away, and asked that the 30-foot rule apply.

(4:37 p.m.) Jacalone and Mayoros clarified that the buffer would stay. Jacalone noted that moving the building 12 feet would have no affect on noise.

(4:40 p.m.) Charles Lassiter, the owner, stated that the design was for a neighborhood center and would consist of a wider than required buffer in the front.

(4:42 p.m.) Bryant called the vote. **The motion carried 4/0, with Maguire absent.**

(09/16/03 - 16 - 4:42 p.m.)

8. PUBLIC HEARING - REZ 2002-04, FIRST CITY CYCLES - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 0.407 ACRES (APPROXIMATELY 120 X 148) LOCATED AT 212 AND 214 SR 16 FROM RESIDENTIAL SINGLE FAMILY (RS-3) TO COMMERCIAL INTENSIVE (CI) TO ALLOW FOR THE RELOCATION OF LIMITED ASPECTS OF THE EXISTING BUSINESS, FIRST CITY HONDA", ON TO THE SUBJECT LOTS. THIS PROJECT HAS BEEN REVIEWED FOR COMPLIANCE WITH ARTICLE XI (CONCURRENCY) OF THE LAND DEVELOPMENT CODE AS A SMALL PROJECT ESTIMATED TO GENERATE LESS THAN 4 AVERAGE WEEKDAY PEAK HOUR TRIPS BASED ON RELOCATING OFFICE AND STORAGE SPACE FROM THE EXISTING FIRST CITY CYCLE TO A 1,000 SQUARE FOOT EXISTING BUILDING ON AN ADJACENT PARCEL. ALTHOUGH THE PARCEL COULD ACCOMMODATE ADDITIONAL DEVELOPMENT, THE APPLICANT'S INTENT IS TO UTILIZE THE EXISTING BUILDING ONLY. A FORMAL APPLICATION FOR

CONCURRENCY DETERMINATION IS NOT REQUIRED AT THIS TIME. ANY ADDITIONAL SQUARE FOOTAGE, OR CHANGE IN USE, THAT MAY BE PROPOSED IN THE FUTURE IS SUBJECT TO A NEW CONCURRENCY REVIEW PRIOR TO DEVELOPMENT APPROVAL

Proof of publication regarding the Notice of Public Hearing on File No. REZ 2002-04, 214 State Road 16, First City Cycles, was received, having been published in *The St. Augustine Record* on August 29, 2003.

Danielle Mayoros, Planner II, reviewed the rezoning request and noted that Staff had no objection to this request.

(4:44 p.m.) Stern agreed with Staff and said she had no problem with the request. **Motion by Stern, seconded by Jacalone, carried 4/0, with Maguire absent, to enact Ordinance 2003-77, known as REZ 2002-04, First City Cycle Rezoning, adopting Findings of Fact contained in the package to support the motion.**

ORDINANCE NO. 2003-77

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

(09/16/03 - 17 - 4:45 p.m.)

9. PUBLIC HEARING - MAJMOD 2003-06, SOLANA PROFESSIONAL BUILDING PUD - THIS REQUEST SEEKS TO CHANGE THE DEVELOPMENT NAME FROM "SOLANA PROFESSIONAL BUILDING PUD" TO "PONTE VEDRA PARKE PUD", TO REVISE THE PHASING SCHEDULE TO REDEFINE COMPLETION OF THE PROJECT AND TO MODIFY THE LANDSCAPE AND BUFFER REQUIREMENTS FOR PROPERTY LOCATED AT 111 SOLANA ROAD OF THE SOLANA PROFESSIONAL BUILDING PLANNED UNIT DEVELOPMENT, ORDINANCE 2001-11. THE REQUEST IS CONSISTENT WITH CONMAJ 2001-07, AS EXTENDED. 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. THIS ITEM APPEARED BEFORE THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD AT THE AUGUST 11, 2003 MEETING WHERE IT RECEIVED A UNANIMOUS VOTE OF APPROVAL

Proof of publication regarding the Notice of Public Hearing on File No. MAJMOD 2003-06, 111 Solana Road, Solana Professional Building PUD, was received, having been published in *The St. Augustine Record* on August 29, 2003.

Danielle Mayoros, Planner II, reviewed the request and stated that a conditional approval by the Ponte Vedra ARC was received.

(4:47 p.m.) Jacalone asked what the dissatisfaction was from the opposing people. Mayoros said they were concerned with the relocation of the retention pond and the new owner has since worked things out with the residents. (4:48 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0, with Maguire absent, to approve Ordinance No. 2003-78, with Findings supporting the motion, contained in the packet.** Stern asked about a petition from residents regarding buffering. Mayoros said she believed those issues had been addressed.

ORDINANCE NO. 2003-78

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE PONTE VEDRA PARKE PUD (PREVIOUSLY SOLANA PROFESSIONAL BUILDING PUD), ORDINANCE NUMBER 2001-11, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 4:49 p.m. and reconvened at 5:34 p.m. with Bryant, Stern, Jacalone, Meiszer, Adams, Hunt, and Deputy Clerk Lenora Newsome present. Maguire was not yet present at the meeting.

(09/16/03 - 18 - 5:34 p.m.)

10. ADOPTION OF TENTATIVE BUDGET AND MILLAGE RATES - FLORIDA STATUTES 129.03 AND 200.065 REQUIRE THAT, EACH YEAR THE BCC MUST ADOPT ITS MILLAGE RATES AND BUDGET FOR ITS NEXT FISCAL YEAR AT A PUBLIC HEARING. THAT HEARING MUST BE HELD AFTER 5:00 P.M., IF SCHEDULED ON A DAY OTHER THAN SATURDAY. THE FLORIDA STATUTES PRESCRIBE A SPECIFIC ORDER FOR THE CONSIDERATION OF ITEMS AT THE PUBLIC HEARING. THE FIRST SUBSTANTIVE ISSUE OF DISCUSSION MUST BE THE PERCENTAGE INCREASE IN THE AGGREGATE MILLAGE RATE OVER THE ROLLED BACK RATE. PUBLIC COMMENT ON THE PROPOSED MILLAGE RATES AND BUDGET MUST ALSO BE HEARD. PRIOR TO THE CLOSURE OF THE MEETING, THE BCC WILL NEED TO ADOPT RESOLUTIONS SETTING FORTH THE MILLAGE RATES AND BUDGET. THE BCC WILL ALSO NEED TO ESTABLISH A DATE, TIME AND PLACE FOR A PUBLIC HEARING FOR ITS FINAL BUDGET AND MILLAGE ADOPTION. IT IS RECOMMENDED THAT THE BCC ESTABLISH TUESDAY SEPTEMBER 23, 2003 at 5:30 P.M., IN THE COUNTY AUDITORIUM, FOR ITS FINAL HEARING

Maguire was not yet present at the meeting.

Joe Vonasek, Director of Management and Budget, reviewed the details of the proposed increase in the millage rates and the budget for the next fiscal year, Exhibit A, reviewing them. (5:36 p.m.) Maguire entered the meeting.

(5:36 p.m.) W. H. Davidson, 248 Ole' Street, spoke on the high taxes he paid on property he owned at the beach.

(5:39 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in opposition of the proposed property tax increases, and stated that residential growth was not paying its fair share. She spoke on reading a newspaper article regarding JEA approving raising payments to City Hall, Exhibit B. Meiszer stated that the General Fund millage did not increase, only increase the Fire District tax.

(5:50 p.m.) Ben Rich, 136 Moses Creek Blvd., spoke on there being other sources of revenue in this County. Bryant spoke on the Fire Service increase.

(5:54 p.m.) Carol Comegno, 209 River Island Circle, mentioned that she was not clear on the Fire Tax increase. Meiszer stated that the biggest single reason for an increase in the cost of the Fire Department was the lack of volunteer firemen and he explained. Comegno suggested having a brief presentation for the public before the hearing. Jacalone made a couple of comments on Fire Service. Meiszer suggested that on September 23, a time be set aside, from 5:00 p.m. to 5:30 p.m., to have an open forum for the public to be briefed on the final budget and millage rates.

(6:09 p.m.) Lynette Talak, 224 Belmont Drive, Jacksonville, stated that she was against the increase in her taxes. Discussion followed on the increased taxes.

(6:22 p.m.) Greg Cordray, 70 Dolphin Blvd., spoke against the increase in taxes.

(6:25 p.m.) Ron Sanchez, 724 C.R. 13 S., spoke on the Fire Service tax increase and stated that Fire Service was not up to par.

(6:34 p.m.) George Spohrer, 802 Spinnakers Drive, spoke against the tax increase. Discussion followed on property value, more efficient ways to cover the budget, and taxes going up.

(6:51 p.m.) Vonasek mentioned that it was time to move towards the adoption of the Tentative Millage Rate and Tentative Budget Resolutions. (6:52 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-176, that being the following Tentative Millage Rate hereby set by the Board of County Commissioners of St. Johns County, Florida.**

RESOLUTION NO. 2003-176

RESOLVED, that the following **TENTATIVE MILLAGE RATE** is hereby set by the Board of County Commissioners of St. Johns County, Florida, for all property in St. Johns County, as of January 1, 2003.

General Fund	5.101
County Transportation Trust Fund	.900
County Health Unit Trust Fund	.021
Fire District, County-wide Except City of St. Augustine	1.125
Vilano Street Lighting District	.102
St. Augustine South Street Lighting District	.207

Julington Creek Municipal Service District	.000
Jail Debt Service Refunding Fund	.000
AGGREGATE MILLAGE RATE	7.066
Rolled-back Rate	6.065
Percentage increase over rolled-back rate:	16.505%

(6:53 p.m.) Vonasek addressed the fund level increases in the budget. (6:57 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-177, the following Tentative Budget of the Board of County Commissioners of St. Johns County, Florida, developed using the certified taxable value of \$12,496,070,643, generating an estimated \$88,291,824 in taxes, is hereby adopted, resulting in a total budget of \$356,303,869.**

RESOLUTION NO. 2003-177

RESOLVED, that the following **FISCAL YEAR 2004 TENTATIVE BUDGET** of the Board of County Commissioners of St. Johns County, Florida, developed using the certified taxable value of \$12,496,070,643, generating an estimated \$88,291,824 in taxes, is hereby adopted, resulting in a total budget of \$356,303,869 as follows:

General Fund	\$104,588,046
Special Revenue Funds	
County Health Unit Trust Fund	286,322
Court Facilities Trust Fund	309,107
Building Services Fund	10,455,589
Law Enforcement Trust Fund	59,438
State Housing Init. Part. Program (SHIP)	2,393,632
Mental Health Unit trust Fund	4,394,772
Community Based Care	178,894
Utility Regulation Fund	223,847
County Transportation Trust Fund	35,317,916
Additional Court Cost Trust Fund	612,207
Beach Fund	1,373,659
Pier Operations Fund	181,272
Tourist Development Fund	4,992,413
Tree Bank Fund	5,444
Galimore Center Fund	202,940
Alcohol & Drug Abuse Trust Fund	26,662
Communications Surcharge Fund	491,682
Choose Life License Fund	11,775
Driver Education Safety Fund	60,000
W. Augustine CRA Fund	282,423
Flagler Estates CRA Fund	481,141
Vilano Beach CRA Fund	4,419,287
FL Boating Improvement Trust Fund	1,377,891
Housing Abatement Fund	86,758
Impact Fee Funds	15,285,348
FL Arts License Plate Fund	13,816
Davis Park Fund	5,170
E-911 Communications	1,047,769
Fire District Fund	13,660,613
Sidewalk Mitigation Fund	28,971
World Commerce Center DRI Fund	30,220

Vilano Street Lighting District	22,614
Elkton Drainage District	31,575
Executive Cove M.S.B.U.	0
St. Augustine South Lighting District	46,613
Julington Creek M.S.D.	1,534
Treasure Beach M.S.B.U.	0
Thompson Bailey Road M.S.B.U.	24,652
Private Roads M.S.B.U.	13,496
C. H. Arnold Road Grading M.S.B.U.	15,134
Rusty Anchor/Wendover Rd. M.S.B.U.	3,875
Northwest Tower Fund	112,829
Debt Service Funds	
Jail Refunding Debt Service	0
\$12,185,000 Refunding Debt Service	1,112,263
03 Transportation Improvement Debt Service	1,281,286
\$21,095,000 Refunding Debt Service	1,531,221
Ponte Vedra Sewer Debt Service	737,127
Commercial Paper	5,106,618
Capital Project Funds	
Northwest Road Project Fund	3,220,036
Library Building Fund	952,798
Palm Valley Bridge Fund	0
Park Projects Fund	4,339,006
Master Plan Building	0
Recreation Projects	608,999
NW Gov't. Services Center	0
N. Holmes Blvd. Fund	2,539,647
Bond Transportation Projects Fund	30,000,000
Sewer Construction Fund	7,909,225
Enterprise Funds	
Solid Waste Fund	25,716,728
St. Johns County Utility Fund	46,666,698
Convention Center Fund	4,337,329
Golf Course Fund	2,798,327
Amphitheater Fund	2,187,482
Internal Service Funds	
Workers Compensation Fund	2,720,976
Group Health Insurance Fund	9,380,757

(6:58 p.m.) Vonasek mentioned that the date, time and place of the final budget hearing needed to be established. He proposed that the Board meet on September 23, 2003 at 5:30 p.m. in the County Auditorium. (6:58 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, that the date, time, and place be the one subscribed by Joe Vonasek of Management and Budget.**

With there being no further business to come before the Board, the meeting adjourned at 6:59 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check #339674 through #340135, totaling \$2,768,344 (09/09/03)

Approved _____ October 7 _____, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

