

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 2, 2004
(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: Karen Stern, District 2, Chair
 Bruce Maguire, District 4, Vice Chair
 Nicholas Meiszer, District 1
 Marc Jacalone, District 3
 James E. Bryant, District 5
 David Halstead, Assistant County Administrator
 Michael Hunt, Deputy County Attorney
 Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(03/02/04 - 1 - 9:05 a.m.)

Chair Stern called the meeting to order.

(03/02/04 - 1 - 9:05 a.m.)

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

(03/02/04 - 1 - 9:06 a.m.)

ROLL CALL

Stern mentioned that all five Commissioners were present.

(03/02/04 - 1 - 9:07 a.m.)

PUBLIC COMMENT

Don Sutton, 142 Masters Drive, representing the San Sebastian Neighborhood Association, asked for help on controlling the speeding problems on Masters Drive.

(9:09 a.m.) Maureen Ortagus, 1445 Masters Drive, spoke on the safety issues on Masters Drive.

(9:12 a.m.) Debora Williams, 1636 Masters Drive, spoke on increased traffic problems on Masters Drive and she mentioned working together as a community to solve this problem.

(9:16 a.m.) Joe Nelson, 2046 Orange Cove Road, Jacksonville, spoke on the Sprint PCS Tower still being up, when, by court order, it should had been taken down. Hunt stated that he had spoken with outside council on this matter and that the tower was supposed to come down within a week, which it didn't. Jacalone spoke on expediting the matter to make it happen. Hunt responded that he would work on it.

(03/02/04 - 1 - 9:22 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested to move Item 5 to the Regular Agenda as Item 8A.

(03/02/04 - 2 - 9:22 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Sheriff's Bonds:

Approve: Magargle, Stacie S. Thomas, Canvis D. White, Sarah A.

3. Motion to designate the West Augustine CRA Steering Committee as the Citizens Advisory Task Force for the Housing Rehabilitation portion of the CDBG grant application for 2004 and motion to designate the North Shores Improvement Association, Inc's Board of Directors as the Citizens Advisory Task Force for the Economic Development portion of the CDBG grant application for 2004

4. Motion to transfer \$1,700 from Social Services Department (0067-56401 & 53120) to the MIS Department (0012-56403) for the purchase of new switches for donated computers

5. Motion to allow the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, Village Pools, for a Design/Build of the Kiddie Pool Renovations at the Willie Galimore Community Center. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the next ranked firm and continue until an agreements is reached

6. Motion to authorize the County Administrator to execute a renewal of the Certificate of Public Convenience and Necessity with Ambulance Service, Inc., for a period of one year, as required by Florida Statute, County Ordinance, and the current franchise agreement between the County and Ambulance Service, Inc., effective until March 5, 2005

(03/02/04 - 2 - 9:22 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested to add considering an appointment to the Planning and Zoning Agency as Item 2A. Bryant requested to pull Item 11, to be rescheduled later.

(03/02/04 - 2 - 9:23 a.m.)

APPROVAL OF REGULAR AGENDA

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

(03/02/04 - 2 - 9:24 a.m.)

1. DISCUSSION CONCERNING THE CLEAN UP OF THE TREASURE BEACH CANALS

Mike Rubin, Director of Construction Services, reviewed this item, stating that Staff requested direction from the Board on how best to proceed with the cleanup operation

and where the funding should come from. Jacalone questioned the amount for the cleanup and mentioned needing to know what the options were before dredging.

(9:28 a.m.) Mike Griffin, Director of Development Services, stated that they examined the bulkheads and found one in violation, but it was in compliance now. Maguire asked how many bulkheads were failing. Griffin responded that there were 22 bulkheads almost failing. Maguire asked who was responsible for the maintenance and repair of the bulkheads. (9:30 a.m.) Daniel Bosanko, County Attorney, entered the meeting. Hunt responded that it depended on the agreement that was signed with the excavator on this project. If the county's actions caused the failure, then the County would be responsible. Jacalone stated that the property owners were responsible for their individual bulkheads. Griffin stated that this project was a cleanup of the canals and not actually a dredging project. Maguire asked if the Homeowners Association (HOA) had any responsibility for this cleanup. Bosanko stated that he would check into it personally. Meiszer asked if the boundaries had been established by a survey and where the property lines were. Rubin replied there was a survey, but that it was ten years old. Bosanko stated that he needed to review the documents and would inform the Board at the next meeting. Discussion followed on the Homeowners Association losing their legal authority by the State on property issues.

(9:41 a.m.) Barbara Cleveland, 230 Treasure Beach Road, reviewed a list of concerns by the Treasure Beach Canal Committee, Exhibit A. She spoke on the bulkhead ordinance, permits and inspections. (9:46 a.m.) Hunt left the meeting.

(9:46 a.m.) Peter Diamond, 6093 Rojo Road, spoke on property in the area, on keeping the canals healthy, and he presented pictures of houses in the area, Exhibit B.

(9:50 a.m.) Geraldine Johnson, 6097 Rojo Road, yielded her time to Douglas Martin.

(9:50 a.m.) Douglas Martin, 253 Treasure Beach Road, spoke on Treasure Beach's unimproved property tax revenue comparison, Exhibit C. He spoke on a letter dated January 27, 1997, from Jonathan Mantay regarding guidelines to regulate construction and maintenance of the canals in Treasure Beach, Exhibit D. He spoke on the long-range plan, displaying a picture of the canal, Exhibit E. (9:57 a.m.) Hunt reentered the meeting.

(9:59 a.m.) John E. Johnson, 6097 Rojo Road, spoke on a proposed maintenance plan.

(10:00 a.m.) Strickland left the meeting.

(10:00 a.m.) Bosanko spoke on having a quitclaim deed deeded to the County from the surviving Directors of the HOA, giving any interest that the HOA had in those canals to the County. He stated that the interest was probably an easement, or it might be more than that. He mentioned that the interest to the land under the bulkheads and docks had been transferred to the County, but the bulkheads and the docks were left to the citizen's ownership and their maintenance.

(10:00 a.m.) Edward Zabik, 219 Puebla Road, spoke on property taxes and his bulkhead, and showed pictures, Exhibit F, of his bulkhead. Maguire questioned the remark made on increased property taxes going towards maintenance of the canals. Zabik responded that he heard that the statement, that increased property taxes going towards maintenance of the canals, came from the Treasure Beach Property Owners Association and the people in the neighborhood. Bosanko stated that the only way property taxes could be used towards maintenance of the canals, legally, would be to set up a CRA for that area, which would require declaring Treasure Beach to be a blighted area and to set

aside tax increment financing for a specific purpose. Meiszer stated that he was very much involved in the meetings and when the County took title to the canals, they would be responsible for their maintenance. There was never an indication of where the money would come from. Maguire mentioned that somebody needed to take control of this and voiced concern about how much the County should be picking up. He stated that it needed to be cleaned up, but also needed a long-range plan. Meiszer spoke on revising two Ordinances and implementing an annual inspection program to enforce the Ordinances. He stated that the new bulkheads needed to be built to the new standards. He supported the recommendations made by the property owners and the homeowners. Rubin explained that the clean up included bulkhead debris, tires, and concrete. Bryant stated that this was going to be a continual problem. Jacalone mentioned that he disagreed with the homeowners, that the canal system was not an asset to the County and he did not support the County using ad valorem tax money to correct the problem with the Treasure Beach Canal System. He stated that he supported looking at the Ordinance that pertained to these canals, doing some revisions to them, doing a one-time cleanup of debris, getting estimates for a dredging of that system and then deciding how it would be paid for. (10:18 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to direct Staff to put out for bid, a cleanup of the canal system and get those responses returned to them and make a decision to fund that operation to do a one-time cleanup of the canal system and move forward from that point.** Jacalone requested to schedule an agenda item to review Ordinance No. 97-54, which pertained to the Treasure Beach canals.

(03/02/04 - 4 - 10:20 a.m.)

2. DISCUSSION CONCERNING COUNTY PROPERTY LOCATED AT 3440 OLD MOULTRIE ROAD

Rubin reviewed this item, stating that there were three plus acres that currently stood unused with a vacant building that was boarded up, and had been unused for the last five years. Staff sought Board direction on the future use of the property and building. He stated that it was a masonry building with a metal roof and that he was not sure of the condition of the interior. He stated that he could not make a direct recommendation without further investigation. Jacalone mentioned that this property was brought to his attention recently by some adjoining neighbors, who were concerned about homeless people using the building illegally. Rubin stated, that to the best of his knowledge, the building had not been accessed recently. Jacalone mentioned that at one time there was evidence that there was access to the building and that they shouldn't declare it surplus because the property had potential. *Motion by Jacalone, seconded by Bryant, to raise the existing building that's on the property and then explore what the uses for that property were in the future.* Hunt stated that there were five conditions related to this piece of property and that conditions two and three were for the public at large. Stern asked if any discussion had been held with Parks and Recreation about use of the property for recreation purposes. Halstead responded that they may have discussed it briefly with Recreation, but they had no immediate use for it. Rubin advised the Board to send him, or Gene Burns, out to look at the building and come back with a report on it. (10:30 a.m.) MacDonald left the meeting. Maguire suggested looking into potential uses of the property and building. Stern mentioned finding out how much it would cost to repair it. Hunt clarified that there was a provision, and a fourth condition, in the current warranty deed that stated if no use could be found for the property, that it reverts back to the Homeowners Association. Stern asked if it would be reverted back to the Homeowners Association for them to have that responsibility. Bosanko replied that there were legally established ways to deal with assets that belonged to dissolved corporations, and a system on where to send that property. Jacalone mentioned that he agreed with Maguire's suggestion of making sure there was no bonafide County use for

the property and to have Staff look at the structure that was on the site to see if it was feasible to try to rehab it. *Jacalone withdrew his motion and Bryant withdrew the second.*

(10:34 a.m.) Tom Crawford, Director of Housing and Community Services, suggested in exploring the possibility of a local non-profit putting the building to some type of public use. Stern mentioned that the direction was to look at the property, access the damage, return to the Board with a report and to see if any other County agencies would have a valuable use for the property. Rubin stated that he was going to review the property for cost to refurbish the building to a usable state, get with the County Administrator's Office to circulate a questionnaire to all the other departments for uses and have legal check the different restrictions of the property. Jacalone stated that he would be hesitant to surplus the property if they did not have to.

(03/02/04 - 5 - 10:41 a.m.)

2A. CONSIDER AN APPOINTMENT TO THE PLANNING AND ZONING AGENCY

Jacalone stated that the District 3 representative on the Planning and Zoning Agency resigned almost two weeks ago and that the vacancy had been advertised. He mentioned that there was an applicant, Dennis Shepherd, who he was interested in appointing to replace the District 3 representative. Bosanko mentioned that there was a rule in the Board's Rules of Procedures stating that there needed to be a minimum of four weeks from the time the County received notification of the vacancy to the placement of an appointment on the County Commission Agenda, to allow adequate time for advertisement. Another option would be to suspend the operation of that rule for this purpose, and that it would take a majority plus one vote.

(10:38 a.m.) Melissa Lundquist, Administrative Coordinator, explained that the vacancy occurred on February 19, 2004 and that March 22nd would be the end of the four-week period. (10:39 a.m.) **Motion by Maguire, seconded by Jacalone, carried 5/0, to suspend Part 3, Section 2, regarding the four week notification requirement with respect to the Planning and Zoning Agency in this particular appointment.** (10:39 a.m.) **Motion by Jacalone, seconded by Bryant, carried 4/1 with Stern in opposition, to appoint to the Planning and Zoning Agency, the District 3 Representative spot, Mr. Dennis Shepherd.** Stern stated that they needed to give a fair chance for many people to apply for the position and suggested waiting until the next meeting to consider the appointment to give an extra week for other applicants who might be interested.

The meeting recessed at 10:44 a.m. and reconvened at 10:55 a.m.

(03/02/04 - 5 - 10:55 a.m.)

3. CONSIDER APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that the vacancy was due to the expiration of a member's term. (10:57 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to nominate Mr. Gill Bailey from District 3.** Maguire nominated Carter Henderson for the other vacancy. The motion died for lack of a second. (10:58 a.m.) MacDonald left the meeting.

(03/02/04 - 5 - 10:58 a.m.)

4. CONSIDER AUTHORIZATION FOR STAFF TO EVALUATE THE FEASIBILITY OF FINANCING OPTIONS FOR THE VILANO TOWN CENTER

Tom Crawford, Director of Housing and Community Services, reviewed this item, showing a picture of the final plan, Exhibit A.

(11:01 a.m.) Joe Vonasek reviewed the financial methodology. Meiszer asked Vonasek if he was comfortable with the March 23rd deadline and why there was a deadline. Vonasek replied that Crawford wanted to place a date in there. Crawford replied that it was an arbitrary thing on his part. Meiszer suggested eliminating the date. Crawford stated that he had no objection to it. Vonasek mentioned that the last five words could be taken out of the suggested motion without changing any impact to the motion itself. Crawford stated that the projection of the total cost of the preliminary workup was \$4,676,177, which would include the cost of issuance and the funds sufficient for construction. The total project cost was \$4.5 million, which included a contingency.

(11:08 a.m.) Vivian Browning, 40 Beachcomber Way, thanked everyone for their help, urging the Board to support Crawford on this.

(11:11 a.m.) John Baird, 95 Vilano Road, yielded to Lisa Knecht.

(11:11 a.m.) Lisa Knecht, 95 Vilano Road, urged the Board to approve the bonds.

(11:12 a.m.) Susan Timmons, 304 First Street, spoke in favor of the financing options for the Vilano Town Center.

(11:12 a.m.) Barbara Jenness, 4300 Coastal Hwy., spoke in favor of the financing options for the Vilano Town Center.

(11:13 a.m.) Stern stated that she thought this was a wonderful project and that they needed to move on with it. (11:13 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to direct Staff to engage the County's Financial Advisor, PFM, in the evaluation of the available financing options and return with the resulting analysis as expeditiously as possible.**

(03/02/04 - 6 - 11:14 a.m.)

5. CONSIDER MOTION TO DIRECT THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AND ENTER INTO CONTRACT WITH THE NO. 1 RANKED FIRM BAMBERG-HANDLEY, INC. FOR A COUNTYWIDE CITIZEN SURVEY

Doug Timms, Assistant Director of Budget and Management, reviewed the St. Johns County Countywide Citizen Survey Responses to RFP 04-48, Exhibit A. Maguire stated that he did not remember this being in the budget. Timms replied that it was part of the Intergovernmental Relations budget with the initial request being \$65,000, which was reduced to \$25,000. Maguire asked Timms what he wanted to achieve with this survey. Timms responded, "to present an objective valid statistical measure on a number of questions that would serve as a base line to develop trends," etc. Maguire asked who designed the enclosed survey. Timms stated that it was initially proposed by Bamberg, but they had to specify certain questions for them to submit a proposal. Maguire mentioned that he was opposed to it and that he did not like the survey. Bryant stated that he was not ready to spend \$25,000 for this type of survey, when there were other alternatives. Meiszer and Stern stated they were against it.

(11:33 a.m.) Harry Handley, President of Bamberg-Handley, spoke on the surveys. Maguire asked if they needed to do a motion to deny this or do they just close it out and let them return \$25,000 back in the budget. *Hunt replied that the motion should be along the lines to reject the proposal submitted by the number one ranked firm, Bamberg-Handley, to*

conduct the county-wide citizen survey in response to RFP 04-48. (11:38 a.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to accept the motion mentioned by Hunt.** (11:42 a.m.) **Motion by Jacalone, seconded by Bryant, to de-budget this line item amount of \$25,000, that's in the current County budget for a citizen's survey, and return these funds to the General Fund. Vonasek suggested adjusting the motion to transferring \$25,000 from #0010 to the General Fund Reserve. The maker of the motion accepted and the motion carried 5/0.** (11:44 a.m.) Bosanko left the meeting.

(03/02/04 - 7 - 11:43 a.m.)

6. CONSIDER AN AGREEMENT WITH FLORIDA POWER & LIGHT FOR GUARANTEED ENERGY PERFORMANCE SAVINGS AT THE COUNTY'S CRIMINAL JUSTICE FACILITY

Gene Burns, Director, Facilities Maintenance, reviewed the Energy Savings Project for the Criminal Justice Facility. He stated that cost savings were roughly \$115,000 a year. Maguire asked how many years would it take to realize this savings. Burns responded that if it was financed, it would take ten years and if paid for up front, it would take seven and a half years. The total cost of the project was roughly \$869,000 with about \$40,000 in interest charges, if financed. Burns stated it would cost the County basically nothing. Maguire asked the life span of the equipment they would be buying. Burns responded it would be five years on electronics and he explained.

(11:49 a.m.) Scott Lewis, 4253 Wicks Branch Road, spoke on savings. Maguire questioned the savings. Lewis stated that the water bill was a good portion of the savings. Jacalone spoke on retrofitting happening anyways. Burns spoke on the total cost not being just for equipment. Maguire asked if they were going to do it now in one lump sum or wait until the system breaks down and they have to replace it as time goes by. Jacalone mentioned that the intent was to reduce kilowatt-hours and gallons of water consumed. Maguire asked how they would measure the guarantee. Lewis responded that FPL would inspect annually by sampling the devices and guarantee that they were performing as specified. Meiszer voiced concern regarding the funding. Vonasek stated that basically this project had been presented to them as an energy performance savings contract package. He stated that Florida Power and Light Company recommended this package. Vonasek mentioned that it was incorporated by the Florida Statute. Meiszer asked what this had to do with saving water. Burns responded. Jacalone mentioned that this deserved a little more thought and investigation and that he would like another week to digest it all. (12:01 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to continue this item until March 16, 2004.** (12:02 a.m.) Jacalone left the meeting and Bosanko entered the meeting.

(03/02/04 - 7 - 12:02 p.m.)

7. CONSIDER THE FEASIBILITY OF A ST. AUGUSTINE BEACH BRANCH LIBRARY ON THE MCGARVEY SITE

Mary Jane Little, Library System Director, mentioned that she was reporting back to the Board on the recommendations as to the feasibility of the McGarvey property, along with funding options. She said to highlight that offer, Mr. McGarvey had offered them a 6,000 square foot library site in his new Sea Grove property, formerly known as the Cooksey's Property, valued at \$300,000 and he was asking for \$100,000. Discussion followed on the size of the building.

(12:07 p.m.) Michael Softer, 318 St. George Street, stated that they were trying to get a wider footprint to accommodate them. Maguire asked how many two-story libraries were in the area. Little voiced concern about two-story libraries and mentioned that none of the County Libraries were two-story. Discussion followed on there being enough population in the area for a library, the site being big enough for the library,

and concern for the budget over the next four years. Meiszer stated that he could not support this deal and the only way it could be funded was to borrow the money. Bryant spoke on the property for the library. McGarvey stated that they were allowed up to 10,000 sq feet per building within their PUD. (12:20 p.m.) Strickland left the meeting. Bosanko agreed with Meiszer that there were some serious problems in the memo that was offered last June, specifically that he had problems with the County agreeing to it. McGarvey replied that the memo was just a place to start. Maguire mentioned that his only concern was if they were truly meeting the needs of the library system by placing the library at this location. Bryant stated there were other options for funding. Bosanko agreed that they needed to nail down the financing plan, and stated that he would like permission to consult with PFM to help on the financing package. He requested bringing back the contract on April 6.

(12:27 p.m.) Al Holmberg, 11 Lake Shore Drive, spoke on the distances to the existing libraries, and a lot of people on the island really needing these services.

(12:31 p.m.) Patricia Lawrencell, 23 Versaggi Drive, spoke on the site, stating that it was ideal. (12:42 p.m.) **Motion by Bryant, seconded by Stern, carried 3/1 with Meiszer opposing and Jacalone absent, to authorize the County Administrator to negotiate a contract with Jay McGarvey, or his designated entity, for the conditional donation of a library site to St. Johns County, and to investigate a financing package with their financing consultants PFM and bring it back to the Board of County Commissioners for consideration.**

Stern moved Items 8, 8A and Reports to the end of the day.

The meeting recessed at 12:43 p.m. and reconvened at 1:36 p.m. with Stern, Maguire, Bryant, Meiszer, Halstead, Bosanko, and Diane Gorski, Clerk's office present. Commissioner Jacalone was absent

(03/02/04 - 8 - 1:36 p.m.)

9. PUBLIC HEARING - REZ 2003-26 PUBLIC WORKS OFFICE. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 9.9 ACRES LOCATED AT 1535 S.R. 16 FROM OPEN RURAL (OR) TO PUBLIC SERVICE (PS). THE PARCEL IS ADJACENT TO THE EXISTING ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT AND THE REQUEST FOR PUBLIC SERVICE ZONING WILL ALLOW AN EXISTING HOUSE ON THE PARCEL TO BE CONVERTED INTO ADDITIONAL PUBLIC WORKS OFFICE SPACE. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING. THE REQUESTED REZONING TO PUBLIC SERVICE COMPLIES WITH AND SUPPORTS THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED USE LAND USE DISTRICT PROVISIONS OF THE COMPREHENSIVE PLAN. THE REZONING ENCOURAGES AN EFFICIENT AND COMPACT LAND USE PATTERN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. STAFF ALSO FINDS THAT THE PROPOSED REZONING TO PUBLIC SERVICE IS CONSISTENT AND COMPATIBLE WITH SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. THE PLANNING AND ZONING AGENCY APPROVED THIS REQUEST WITH A VOTE OF 5/0

Proof of publication of the Notice of Public Hearing on the notice of proposed rezoning REZ 2003-26 Public Works Office was received, having been published in *The St. Augustine Record* on January 30, 2004

Bruce Ford, Chief Planner, reviewed the item, and stated that the parcel was located adjacent to the existing Public Works facility and that an existing house on this parcel would be converted for additional office space and an area for additional parking spaces for Public Works Department vehicles would be available. **Motion by Maguire, seconded Bryant, carried 4/0, with Jacalone absent, to enact Ordinance 2004-15, adopting finding of facts to support the motion**

ORDINANCE NO. 2004-15

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

(03/02/04 - 9 - 1:39 p.m.)

10. PUBLIC HEARING - MAJMOD - 2003-16 BARTRAM DOWNS PRD. THIS REQUEST IS TO MODIFY THE APPROVED PRD TO ADD UNIT 3 WHICH WILL ALLOW THE ADDITION OF 197 ACRES AND AN ADDITIONAL 53 UNITS. THE SUBJECT PROPERTY IS LOCATED AT 7200 COUNTY ROAD 16A AND IS COMPRISED OF 137.89 ACRES. THIS WILL BRING THE TOTAL ACREAGE TO 383.75. THE PROJECT WILL PROVIDE A 75 FOOT SCENIC EDGE ADJACENT TO THE RESERVED RIGHT OF WAY ALONG C.R. 16 A AND A 35 FOOT DEVELOPMENT EDGE AROUND THE PERIMETER CONSISTENT WITH THE NORTHWEST SECTOR 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.C, WHICH PROVIDES STANDARDS FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS. STAFF ALSO FINDS THAT THE PROPOSED CHANGES ARE CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION SUBJECT TO BOARD OF COUNTY COMMISSIONERS APPROVAL OF THE REQUESTED WAIVERS. THE PLANNING AND ZONING AGENCY APPROVED THIS REQUEST WITH A VOTE OF 5/0

Proof of publication of the Notice of Public Hearing on MAJMOD - 2003 - 16 Bartram Downs PRD was received, having been published in *The St. Augustine Record* on February 13, 2004

Chief Planner, Bruce Ford reviewed this item, which is a request to modify the existing PRD to add 197 acres and 53 single family units, located on CR 16A. (1:40 p.m.) Jacalone entered the meeting. Ford presented the revised site plan and stated that a slightly revised hand out to the master development plan was given to the Commissioners before today's meeting and that the only change to the original submittal, was the relocation of four units. Ford stated that the applicant sought a waiver for underground utilities and that this waiver was consistent with waivers granted in Units I and II. The applicant also requested that the sidewalk requirement be waived, so that an equestrian trail can run along the road frontage and connect to the equestrian trails in Units I and II. Jacalone asked if the modification deviated from the original PRD requirements and requested clarification on the acreage requirement and calculation procedure for establishing buildable lots and reserve area. Jacalone stated that this was a one hundred and ninety seven acre addition to an existing PRD and Ford

concurrent. Jacalone mentioned that 53 units would be added at less than four acres per unit and that the developed portion equaled less than ten percent of the reserve area in the PRD. Jacalone asked how the ten percent was identified. Theresa Bishop clarified that the area on the site plan shown as the development area equals ten percent. Meiszer asked what reason the applicant had for requesting a waiver on the underground utility requirement. Ford stated that the waiver request was due to the low density and that the development would be consistent with what was already approved in Units I and II.

(1:47 p.m.) Gary Davenport, 3266 Pacetti Road, representing the Owner/Applicant, Bar-T Ranch Inc., reviewed the phases of the project. Maguire stated that the people in the northwest have always wanted the rural subdivision character maintained. Maguire explained that the total site area is 197 acres plus, and that the development area equaled 14.36 acres, or 6.25% of the total area. Maguire felt that it was noteworthy that the scenic development acres and the buffers comprised more than the development area. (1:51 p.m.) **Motion by Maguire, seconded by Stern, carried 5/0 to enact Ordinance No. 2004-16, known as MAJMOD 2003-16 Bartram Trail PRD, adopting finding of facts to support the motion**

ORDINANCE NO. 2004-16

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE BARTRAM DOWNS
PLANNED RURAL DEVELOPMENT (PRD)
ORDINANCE NO. 2002-08, MAKING FINDINGS OF
FACT; REQUIRING RECORDATION; AND PROVIDING
FOR AN EFFECTIVE DATE.**

(03/02/04 - 10 - 1:51 p.m.)

11. PUBLIC HEARING - PLNADMAPL - 2003-000003 PHILLIPS-WOLVERTON APPEAL. ON FEBRUARY 7, 2003, GARY DAVENPORT, ACTING AS AUTHORIZED AGENT FOR GARY PHILLIPS AND DERICK WOLVERTON REQUESTED VESTING FROM THE WETLAND BUFFERING REQUIREMENTS OF THE ADOPTED COMP PLAN AND THE LAND DEVELOPMENT CODE FOR PARCEL #148990-0020 LOCATED APPROX. 1.5 MILES NORTH OF THE VILANO BRIDGE AND HAVING FRONTAGE ON THE EAST SIDE OF THE TOLOMATO RIVER. ON NOV. 19, 2003, ADMINISTRATION ISSUED A LETTER TO THE APPLICANTS DENYING THE VESTING REQUEST FROM THE 50 FOOT BUFFER BASED ON A LACK OF EVIDENCE TO CONCLUSIVELY DETERMINE THAT THE BULKHEADS WERE PLACED DURING THE EXEMPTION PERIOD AND THE BULKHEADS WERE PLACED WITH A VALID DEP/COE PERMIT AS REQUIRED BY EXEMPTION ORD. 99-60. STAFF'S OPINION IS THAT THE APPEAL DOES NOT COMPLY WITH THE CURRENTLY APPLICABLE COMPREHENSIVE PLAN AND DOES NOT SUPPORT THE GOALS AND POLICIES OF THE CONSERVATION ELEMENT OF THE COMP PLAN, REQUIRING A MINIMUM 50 FOOT BUFFER ADJACENT TO THE TOLOMATO RIVER. IN ADDITION, THE APPLICANT'S HAVE NOT PROVIDED SUFFICIENT EVIDENCE THAT THE BULKHEADS WERE BUILT DURING THE EXEMPTION PERIOD REQUIRED BY ORDINANCE 99-60 OR THAT THE BULKHEADS WERE BUILT WITH VALID PERMITS ISSUED BY THE DEP/COE. STAFF DOES NOT SUPPORT THIS ADMINISTRATIVE APPEAL TO THE VESTING DENIAL

Item pulled from the agenda to be heard at a future date

(03/02/04 - 11 - 1:51 p.m.)

12. PUBLIC HEARING - PNZVAR 2004-01 VILLA OF AUGUSTINE ISLAND (MARSHALL CREEK DRI/PUD). THE VILLAS OF AUGUSTINE ISLAND IS A 40 UNIT TOWNHOME PROJECT LOCATED WITH THE MIDTOWN VILLAGE OF THE MARSHALL CREEK DRI/PUD. THE APPLICANT HAS REQUESTED A NON-ZONING VARIANCE TO LAND DEVELOPMENT CODE SECTION 2.02.04.B.10. THE LDC ALLOWS MODEL HOMES TO BE CONSTRUCTED WITHIN PORTIONS OF A PUD WITH APPROVED CONSTRUCTION PLANS, BUT PRIOR TO FINAL PLAT APPROVAL. THE HOMES MUST BE CONSTRUCTED CONSISTENT WITH THE PUD AND CONSTRUCTION PLANS AND MAY CONSIST OF NO MORE THAN 10% OF THE TOTAL NUMBER OF LOTS WITHIN THE INDIVIDUAL APPROVED CONSTRUCTION PLANS. THE VILLAS OF AUGUSTINE ISLAND WOULD BE ALLOWED TO CONSTRUCT A MAXIMUM OF FOUR (4) MODEL HOME UNITS. THE PROJECT DOES NOT CONTAIN A FOUR-UNIT STRUCTURE. THIS IS A REQUEST TO PERMIT THE CONSTRUCTION OF AN EIGHT-UNIT BUILDING, WHICH FOUR (4) UNITS ARE MODEL HOMES AND (4) UNITS WOULD REMAIN VACANT UNTIL THE PLAT IS APPROVED. LDC SECTION 10.04.03.B ADDRESSES THE FINDINGS TO BE CONSIDERED IN A NON-ZONING VARIANCE REQUEST. THE APPLICANT ADDRESSED THE FINDINGS IN THE REQUEST. THIS APPLICATION HAS BEEN REVIEWED BY THE APPROPRIATE DEPARTMENTS AND THERE ARE NO OUTSTANDING COMMENTS. STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS NON-ZONING VARIANCE SUBJECT TO THE BOARD OF COUNTY COMMISSIONERS' DETERMINATION THAT THE REQUIRED FINDINGS HAVE BEEN MET

Proof of publication of the Notice of Public Hearing on the notice of a variance PNZVAR - 2004-01 was received, having been published in *The St. Augustine Record* on February 11, 2004

Nicole Cubbedge explained that the applicant requested permission from the Board of County Commissioners to permit construction of an eight unit building of which four units would be used as model homes and four units would remain vacate until the plat is approved. (1:54 p.m.) Anthony Robbins, 13901 Sutton Park Drive South, explained that the project was a small multi-family project of forty units and in order to get a building permit to do one of buildings at the end of the construction road, so that no other construction would hamper any of the further development, the building would need to be fully permitted for eight units. **(1:56 p.m.) Motion by Bryant, seconded by Jacalone, carried 5/0 to approve PNZVAR - 2004-1, with findings of fact to support this motion**

(03/02/04 - 11 - 1:57 p.m.)

8A. MOTION TO ALLOW THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AND ENTER INTO A CONTRACT WITH NO. 1 RANKED FIRM, VILLAGE POOLS, FOR A DESIGN/BUILD OF THE KIDDIE POOL RENOVATIONS AT THE WILLIE GALIMORE COMMUNITY CENTER. IF AN AGREEMENT CANNOT BE REACHED WITH THE NO. 1 RANKED FIRM ETC, AUTHORIZATION IS REQUESTED TO TERMINATE NEGOTIATIONS AND BEGIN NEGOTIATIONS WITH THE NEXT RANKED FIRM AND CONTINUE UNTIL THE AGREEMENTS ARE REACHED

Meiszer questioned why the County would spend money on a City owned facility. Bryant stated that maintenance and repair of the facility was part of the lease agreement

between the City and the County. (1:59 p.m.) **Motion by Meiszer, seconded by Maguire, carried 5/0, to authorize the negotiation and enter into contract with the No. 1 ranked firm, Village Pools**

(03/02/04 - 12 - 2:00 p.m.)

COMMISSIONERS' REPORTS

(2:00 p.m.)

Commissioner Bryant:

No report

(2:00 p.m.)

Commissioner Jacalone:

No Report

(2:00 p.m.)

Commissioner Maguire:

No Report

(2:00 p.m.)

Commissioner Meiszer:

Meiszer gave an overview of the National Association of Counties legislative session he attended last week and the movement in Congress is to adopt a national sales tax in lieu of state sales taxes. Meiszer stated that several motions had been passed and that details could be provided later

(2:02 p.m.)

Commissioner Stern:

Stern stated that next week staff was going to Tallahassee for St. Johns County Day

Stern announced that she would be giving a State of the County Address on the evening of March 31, 2004 at the World Golf Village Convention Center

Stern discussed a letter of which had been received from the St. Johns River Water Management District regarding the recent report from the St. Johns County Civic Roundtable on water issues

Stern explained that she had met with Congressman Mica last Friday and that Mica had previously met with individuals from the West Augustine Community Redevelopment Agency. Mica requested that Stern and Adams work together to send funding requests to the state by the March 12, 2004 deadline. Mica expressed his concern with many of the issues in the West Augustine area and stated that federal funds might be available

(03/02/04 - 12 - 2:06 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Halstead introduced Jenny O'Dell who gave a brief report on St. Johns County Day scheduled in Tallahassee next week

(03/02/04 - 13 - 2:11 p.m.)
COUNTY ATTORNEY'S REPORT

No report

(03/02/04 - 13 - 2:11 p.m.)
CLERK OF COURT'S REPORT

No report

Meeting recessed at 2:12 p.m. and reconvened at 2:39 p.m. with Jim Bryant absent

(03/02/04 - 13 - 2:39 p.m.)

8. REPORT ON THE COUNTY ROAD 2209 NORTH-SOUTH CORRIDOR
(PRELIMINARY ENGINEERING PROJECT STATUS)

Joe Stephenson gave a brief overview of the CR 2209 presentation and announced that the first public meeting would be held on the evening of the fifteenth of March at the St. Johns County Agricultural Center. Stephenson introduced Dan Kristoff, Project Consultant Manager who provided a PowerPoint presentation reviewing the CR 2209 (North-South Corridor) Preliminary Engineering Study. Kristoff explained that St. Johns County entered a variance agreement with the Florida Department of Transportation and that part of that variance agreement required initiation of an arterial road study to connect Racetrack Road to CR 208 for inter-regional traffic to keep traffic off of I-95 and that there would be a total of three CR 2209 phases completed by 2017. Jacalone questioned the project schedule and status of the right-of way acquisition. Kristoff stated that the first segment right-of-way had been secured and that the project would most likely be completed ahead of schedule. Stern stated that the presentation was well done and that she looked forward to the public meeting on 3/15/04. (3:01 p.m.) Michael Hunt clarified settlement agreement issues regarding the Tower issue discussed during the mornings public comments. Hunt stated that one of the provisions of the settlement agreement states that if the Tower does not comply with the terms of the settlement agreement that the Code Enforcement Board could re-impose the fines that were previously established. Jacalone suggested St. Johns County write a letter stating that compliance was expected by an agreed upon date, and that if they were not in compliance that Code Enforcement would re-instate the previous fines and that fines would continue to be imposed. Stern agreed with Jacalone

(3:03 p.m.) **Motion by Maguire, seconded by Stern, carried 4/0, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 3:03 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, approving check numbers 347218 through 347484 totaling \$1,799,008.89 (02/24/04)
2. St. Johns Board of County Commissioners Check Register, approving check numbers 347485 through 347589 totaling \$1,744.46.

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief, Bureau of Administrative Code, filing Ordinances No. 2004-12 and 2004-13 (02/23/04)

2. Letter to Liz Cloud, Chief, Bureau of Administrative Code, filing Ordinance No. 2004-14 (03/01/04)

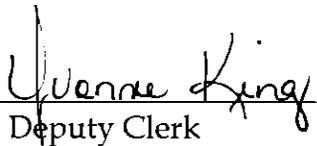
Approved March 23, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

RENDITION DATE 03/31/04

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

