

AMENDED
MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 23, 2004
(9:00 A.M.)

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and were 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
Ben W. Adams, Jr., County Administrator
Laura Barrow, County Attorney
Diane Gorski, Clerk's Office

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

(03/23/04 - 1 - 9:07 a.m.)

Chair Stern called the meeting to order.

(03/23/04 - 1 - 9:07 a.m.)

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

(03/23/04 - 1 - 9:08 a.m.)

ROLL CALL

All five commissioners were present.

(03/23/04 - 1 - 9:09 a.m.)

PROCLAMATION DESIGNATING MARCH 23, 2004 AS INTERNATIONAL WOMEN'S DAY

Stern read the proclamation and presented it to Marilyn Wiles and members of the Enterprising Women's Leader Institute who accepted the proclamation.

(03/23/04 -1- 9:10 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Bryant, seconded by Jacalone, carried 5/0 to designate March 23, 2004 as International Women's Day.

(03/23/04 - 1 - 9:13 a.m.)

PUBLIC COMMENT

Davron Cardenas, 9173 Old A1A, distributed a handout and stated that she spoken with Stern and Jacalone on Friday and had presented them with documentation which explained her concerns with the FDOT's proposed replacement of bridges. She stated that she was appearing before the Board as a representative of the Scenic and Historic

A1A Corridor Management Council, and that she was the Chairman of the Summerhaven Bridges Committee for the Council. She requested assistance from the board in dealing with FDOT and asked that the Commissioners consider urging FDOT to scale down the size of the bridges and to assist in lowering the speed limits on a two mile stretch or roadway from the Inlet Bridge to Marineland which would include the Summerhaven Community and Rattlesnake Island to 45 miles per hour. She asked the Board to speak with Aage Schroder, FDOT, about bridge design and reduction of the speed limit to 45 mph. (9:22 a.m.) Meiszer asked what specific design issues were problematic. Cardenas explained that they wanted a forty-two foot wide bridge and that they had safety concerns. (9:25 a.m.) Jacalone stated his intention to meet with FDOT about these requests. He explained that he would work directly with Cardenas in resolving these issues. Jacalone stated that he would be the County contact with the FDOT and that the request for a reduction in the speed limit would be addressed. He explained that he would bring the speed limit issue back to the county when it was time.

(9:26 a.m.) Mary Lea Palo, 1845 Old Moultrie Road, requested bicycle route improvements. She asked the County to make biking safer for the residents and tourists.

(9:27 a.m.) Ron Zamora, 1845 Old Moultrie Road, requested that bicycle trails be added throughout the County to allow for safer alternative means of travel due to increased traffic. He encouraged the Commission to do whatever they could to expedite additional bicycle paths

(9:29 a.m.) Julie Parker, 290 Palmetto Road, stated that the roadways were dangerous for drivers, pedestrians and bicyclists. She expressed her concern with the growing number of bicycle fatalities. And asked for safer roadways, marked bike routes, and more sidewalks. Parker shared information regarding bicycle route marking and the promotion of bicycle riding by the public for health, recreational and environmental benefits.

(9:35 a.m.) Jacalone stated that the county had worked hard to make bike traffic safer and had implemented policy that would include bike routes where feasible. He asserted that when the County constructed or resurfaced roadways, and they met a certain classification, that bike lanes would be included on both sides. Jacalone stated that the County had worked with FDOT to assure that there would be bike lanes included in the resurfacing project on SR 206 south. He mentioned that county staff had reviewed Mr. Jepson's recommendations for bicycle routes and would not recommend implementation due to the danger involved in traveling through residential communities. Jacalone explained that there were outstanding issues, such as right-of-way limitations or money involved in adding bike lanes and sidewalks to existing roadways. (9:38 a.m.) Stern stated that she and County staff had met with Sheriff Perry, Chief Shore and the Masters Drive area residents to discuss improvements and that this would be an ongoing process. (9:39 a.m.) Meiszer stated that there were two types of biking, one being an alternative mode of transportation that would require a network of bike paths and the other, recreational biking. Meiszer stated that the difference between the two alternatives would need to be identified. (9:42 a.m.) Parker asked if there were plans to finish the sidewalks. Bryant stated that additional sidewalks were being pursued but that there were unresolved issues. He explained the difficulties in the creation of sidewalks, due to infrastructure issues. He asked Joe Stephenson, Public Works Director, to explain the sidewalk situation on SR 206. Stephenson explained that paved shoulders were added to all FDOT road-resurfacing projects where feasible. He stated that paved shoulders would go from Owens Avenue to the Flagler County line. He mentioned that the County had funded a multi-purpose path on the west side of

A1A and was unclear of the limits. He stated that he had requested clarification from FDOT regarding their intention to mark the paved shoulders for bicycle safety. Bryant concurred with Stephenson that the FDOT finished the paved shoulders and marking last. (9:46 a.m.) Meiszer stated that FDOT had completed sidewalks on the west side of A1A to Matanzas Inlet; Stephenson stated that was a multi-purpose path. Meiszer questioned the reasoning for placement of the multi-purpose path in a sparsely populated area and wondered how far south they would be added. (9:48 a.m.) Stern requested County Administrator Adams set up a workshop in the near future.

(9:48 a.m.) Lauren Bitting-Ellis, 166 Twine Street, City of St Augustine resident, requested reflectors and signs be installed on all St. Johns County roadways and that maps showing bicycle routes be distributed publicly. She asserted that parking and traffic problems would continue to grow and that bicycle friendly roadways would reduce the strain on the roadways.

(9:50 a.m.) Bill Jepson, 6630 Costa Mayo Road, stated his approval of the ten-foot shoulders on the Matanzas Bridge and the new sidewalks. Jepson stated that of all the counties in Florida with a population between fifty and two hundred thousand and that St. Johns County was number three in bike fatalities. He asserted that a system of bike paths separate from the roads would reduce accidents and fatalities amongst the citizens. He requested all bike routes be marked. He shared letters from the St. Johns County Civic Association Round Table and the County Recreation Advisory Committee, which stated there was a need for bike route signage and marking to ensure safety. He expressed his dissatisfaction with the lack of bicycle routes throughout St. Johns County.

(9:56 a.m.) Bryant read a construction update from FDOT. He also commented that that the City would be responsible for placing signage and markings within their limits.

(9:56 a.m.) Maguire responded that he had been offended by some of the comments Jepson had made.

(9:57 a.m.) Colby James Macrie, 22 Ocean Pines Drive, requested that more bicycle routes be added and that improvements be made on current bicycle routes. He asked that bicycling be promoted as an ecologically safe alternative to automobiles.

(10:00 a.m.) Charlene Isenberg, 1220 South Volusia Street, stated that bike routes were needed in St. Johns County and encouraged the continued effort by the County staff to make the roads safer for bike riders

(10:02 a.m.) Charles Booher, 160 Marsh Island Circle, stated that St. Johns County was not a bicycle or family friendly place and that the County had become an urban sprawl scenario. He expressed his sympathy for those residents who had to use bikes to get around in an unsafe environment.

(10:06 a.m.) Sumner Gray, 144 Oviedo St. #2, requested additional bike routes, safer bike routes and better-marked bike routes. He shared his opinion that bicycling was a healthy option, environmentally friendly and suggested to the Commissioners that they should think globally and act locally, and that being less dependent on foreign oil would benefit the country as a whole.

(10:12 a.m.) Jacalone commented that Sumner Gray was a City resident and asked if he had spoken to the City Council regarding these issues. Gray answered that he was in the process of doing so.

(10:14 a.m.) Stern mentioned that safety improvements on Masters Drive had begun over a year ago and expressed her support for safer bike routes. She encouraged everyone who lived and worked downtown to contact his or her city officials. She stated that the County staff would coordinate their efforts with the City. Stern asked Adams to set up a public workshop regarding this issue.

(03/23/04 - 4 - 10:17 a.m.)
DELETIONS TO CONSENT AGENDA

None

(03/23/04 - 4 - 10:17 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report.
2. Approval of Minutes:
03/02/04 BCC Regular Meeting
03/09/04 BCC Regular Meeting
3. Motion to adopt a Resolution recognizing unanticipated revenue in the amount of \$3,001 and appropriating them to the General Fund for use in the County's Library Department

RESOLUTION NO. 2004-52

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY LIBRARY

4. Motion to approve application to FIND for \$200,000 (\$400,000 County Match) for construction of Moultrie Creek Bluff Stabilization and access and motion to grant authorization signature on the Attachment E-6
This item was pulled and placed at the end of the regular agenda
5. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the League of Cities to perform a Business Process Re-engineering Study

(03/23/04 - 4 - 10:17 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone removed Item 6, CIP Work Shop, and recommended that it be rescheduled for a future date.

(03/23/04 - 4 - 10:18 a.m.)
APPROVAL OF REGULAR AGENDA

Jacalone motioned, seconded by Bryant, and carried 5/0, to approve the regular agenda as amended.

(03/23/04 - 5 - 10:19 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION SUPPORTING FULL AND ADEQUATE FUNDING FOR THE STATE COURT SYSTEM AND THE SEVENTH JUDICIAL CIRCUIT TO ENSURE JUSTICE FOR ALL FLORIDIANS

RESOLUTION NO. 2004 - 53

A RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, SUPPORTING FULL AND ADEQUATE FUNDING FOR THE STATE COURT SYSTEM AND THE SEVENTH JUDICIAL CIRCUIT TO ENSURE JUSTICE FOR ALL FLORIDIANS

Mary Bratos, Deputy Court Administrator, stated that in November of 1998 a Constitutional Amendment was passed which transferred funding for the State Courts to the State. She explained that currently over half of the funding came from different counties. (10:19 a.m.) Jacalone verified that Cheryl Strickland supported this resolution.

(03/23/04 - 5 - 10:20 a.m.)

Jacalone motioned, seconded by Bryant, and carried 5/0 to approve Resolution 2004-53.

(03/23/04 - 5 - 10:21 a.m.)

2. UPDATE ON THE CURRENT STATUS OF EMERGENCY SHELTERS IN ST. JOHNS COUNTY

Ray Ashton gave a PowerPoint presentation regarding the current status of emergency shelters in St. Johns County. He explained that in 1998 the Northeast Florida Regional Planning Council in conjunction with the University of Florida conducted a northeast Florida Hurricane Evacuation Study. The study showed that St. Johns County would require a total of eight thousand, four hundred and sixty-nine shelter spaces for evacuation of the general population and six hundred and seventy special needs shelter spaces. He stated that all of the county's evacuation spaces were located within County schools and that the special needs spaces were located in the County's Agricultural Center, the Hastings Town Offices, and Building C at the First Coast Technical Institute. He explained that due to the cooperative efforts of the St. Johns County School Board and the County Commission new shelter spaces had been added to offset the current deficit. He mentioned that the County had received a grant from FEMA to harden four of St. Johns County elementary schools, which had provided thirty-two hundred new shelter spaces. David Toner, Director of Facilities for the school system, proposed a program that would guarantee that when schools were needed as shelters, school staff would be the shelter managers and would provide shelter staffing. Emergency Management worked with Mr. Toner and the school principals and staff, to provide them with the appropriate training to perform these duties. Ashton stated that two additional grants had been received to increase emergency spaces within the County. (10:27 a.m.) Maguire asked for the total amount of shelters in the County and how many people they housed. He also wondered who provided food at the shelters. Ashton stated that there were eight thousand two hundred and fifty emergency spaces available in the County and that food within each school would be used to feed the public and then food would be brought in. He explained that there be additional

training provided to staff. Maguire questioned the medical attention that would be provided at the shelters. Ashton stated that County life guards, EMT's, local private ambulance services would provide medical services and that the Sheriffs Department would provide security. Maguire asked if we had a pet friendly shelter and Ashton replied that St. Johns County had none. Maguire asked how residents knew which shelter to go to, and Ashton explained the procedure. (10:30 a.m.) Jacalone asked if Ashton had an outline to provide to the commission with detailed information regarding the location of shelters in the County and Ashton replied that he would. Jacalone asked if the County Convention Center would be included as an emergency shelter location. Ashton replied that it did not and that the architects who built the center had not provided the structural information necessary to determine its structural safeness and that the County had an engineer looking into obtaining this information. Jacalone requested more information regarding the locations the evacuation centers be shared with the public before there was a storm issue and requested a link on the St. Johns County website to provide the information. Ashton stated that there would not be a guarantee that all of the facilities would be available, to which Jacalone requested a disclaimer be added to the website. (10:34 a.m.) Stern emphasized the need for pet friendly shelters. Ashton announced that the Hurricane Exercise would be held on May 6, 2004.

(03/23/04 - 6 - 10:36 a.m.)

3. CONSIDER MOTION TO APPROVE A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS TO ENTER INTO THE AGREEMENT WITH AMERICAN INTERNATIONAL GROUP - VALIC FINANCIAL ADVISORS, INC. FOR THE PURPOSE OF ESTABLISHING A SPECIAL DEFINED CONTRIBUTION PLAN FOR THE EMPLOYEES OF ST. JOHNS COUNTY

David Halstead, Assistant County Administrator, reviewed the contribution plan, stated that the Clerk of Courts were already on the plan. (10:38 a.m.) Meiszer questioned the limits and the mandatory requirement to staff, and preferred that staff be given a choice. Halstead stated that a provision could be made to set a lower limit or apply for a withdrawal and that staff may be able to be given the option to participate or not.

RESOLUTION NO. 2004 - 54

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS TO ENTER INTO THE AGREEMENT WITH AMERICAN INTERNATIONAL GROUP - VALIC FINANCIAL ADVISORS, INC. - BENCOR, INC. FOR THE PURPOSE OF ESTABLISHING A SPECIAL DEFINED CONTRIBUTION PLAN FOR THE EMPLOYEES OF ST. JOHNS COUNTY

(10:41 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve Resolution 2004 - 54.**

(10:41 a.m.) Stern called a five-minute recess and reconvened the meeting at 10:51 p.m.

(03/23/04 - 6 - 10:51 a.m.)

4. CONSIDER A MOTION TO APPROVE A WAIVER OF FILING FEE FOR ZONING VARIANCE ZVAR 2004-03, JAMES C. LOBERGER

Rosemary Yeoman, Zoning Program, Development Services, explained the request for waiver of filing fee to correct an error made by the Zoning Department. Discussion ensued.

(10:53 a.m.) **Motion by Bryant, seconded by Jacalone, discussion ensued, motion carried 5/0 to approve the waiver 10:47 a.m.**

(03/23/04 - 7- 10:57 a.m.)

5. REPORT ON THE CONDITION AND STATUS OF RESIDENTIAL PROPERTY LOCATED AT 210 N. RODRIGUEZ STREET, ST. AUGUSTINE AS IT RELATES TO THE CODE ENFORCEMENT BOARD'S PREVIOUS REQUEST TO FORECLOSE

James Acosta, Code Enforcement gave a brief follow up at the Commissions request, regarding the status of the violations on this property. He reviewed the complaint history and attempts to resolve the issue. Acosta explained that in July of 2003, the County Attorney had advised staff that the property should be taken (10:59 a.m.) Jacalone asked for the date of the last complaint filed by a resident in that area. Acosta replied that the last complaint on file was June 2002. Jacalone requested an explanation of the current violation. David Williams, Zoning Inspector, provided photographs of the backyard. Jacalone stated that no one could see the bikes unless they were on the property. Stern questioned whether the residence was in compliance. (11:01 a.m.) Discussion ensued regarding the method used to calculate the fines, the total amount of fines due, the value of the property, corrective actions which would be available. (11:05 a.m.) Maguire requested a description of the surrounding neighborhood. Acosta reviewed an aerial photograph. Maguire asked if the problem was spreading or if there were health hazards related to this property. Acosta stated that the area in general was improving. (11:07 a.m.) Bosanko advised that foreclosure would result in County ownership of the property, and he also mentioned that when a property had been used as storage for debris that it was not uncommon for the property to be polluted. He stated that the federal government would require the present owner to determine if the property was polluted and clean up the site, if it were polluted. Bosanko explained that this would be an expensive proposition due to the standards set forth by the federal government. He suggested that enforcement in the area could be better handled by citation or that the county could get a mandatory injunction that would find the owner in contempt of court. Bosanko stated that staff might use another method to get the property cleaned up such as a citation. He also explained that a mandatory injunction through the court system, which might result in contempt of court charges and possible incarceration, might be viable means of enforcement. (11:10 a.m.) Bryant asked Acosta if the previous violations had been corrected and Acosta stated that they had and that the owner is working to correct the current violation. (11:00 a.m.) Stern thanked Acosta for the report. (11:12 a.m.) Laura Barrow, Assistant County Attorney stated that the Code enforcement fines had no limits set in regards to the accumulation of fines and that the Commission would be able to set a lower limit and later abate the fine. She stated that the fines on the property currently exceeded the value of the property and there had already been a lien placed on the property that would remain on the property for twenty years in any amount determined by the Board. (11:13 a.m.) Meiszer endorsed the idea of working with the owner to correct the violations but added that there should be a way to collect what was owed to the county. (11:14 a.m.) Stern asked Barrow if the County had attempted to collect the fines owed to the County. Barrow explained that foreclosure would result in payment of the fine, but that if the property was not foreclosed upon, the fine would remain on the property as a lien and that if there were future violations, the Code Enforcement Board would be able to take the violation to the Court which would have authority to issue contempt citations which

could result with incarceration as Bosanko explained earlier. (11:15 a.m.) Jacalone stated that were communication problems between the property owners and the County. He explained that the property owners continually rectified problems cited by the Zoning Inspectors, as soon as they are received and understood. He recognized that the property had been brought back into compliance and asserted that the bicycle situation would be rectified as well.

(11:17 a.m.) *Motion by Jacalone, to abate all the fines, which have accrued on this property to this point and to stop administering more fines, unless there is new notification of a new violation. Motion died for lack of a second.* (11:17 a.m.) **Maguire motioned, Bryant seconded, to cap the fine at \$25,000.** Discussion ensued. (11:23 a.m.) **Motion carried 4/1 with Meiszer opposing.**

(11:18 a.m.) Jacalone explained that this meant that there would be a lien placed on the property in the amount \$25,000; Maguire concurred and stated that the lien could be cancelled in the future. Jacalone stated the lien should be cancelled immediately. He opposed the lien and explained that it would just take the property from the owner. Jacalone felt that the lien would send the wrong message particularly since the owners had continually worked to bring the property into compliance. (11:19 a.m.) Bryant supported the motion to cap the fine and also mentioned that once the violations had been resolved he would move to abate the fine and Maguire agreed that having no violations on the property would abate the lien. (11:20 a.m.) Meiszer stated his opposition. He stated that he needed evidence that efforts were being made to correct the problems and that the violations must cease. Maguire stated that he did not want the county to own the property and that the property owners needed an incentive to keep the property clean. Stern supported the motion to lower the fine to \$25,000 and that she believed the property owners were making effort to keep their property in compliance and that she agreed with Jacalone that there might have been a communication problem. Stern thanked Acosta for the report and requested another report to the Commission in thirty days.

(11:26 a.m.) Wilbur Robinson, 17 Rollins Ave., part owner of the property spoke to the Board regarding the clean up of the property and goal to get the property into compliance. He stated that there had been much confusion regarding the fines and issues designated by the Zoning Inspector.

(11:28 a.m.) Robert Robinson, 201 Rodriguez, addressed the Board and explained he did not understand that he could not have the bicycles in the backyard. He stated that he repaired bicycles and gave them to local children and indigents who were not able to afford them and that he had provided 92 children and people with bicycles to date. He explained that he cleaned the property and that the property was well taken care of with the exclusion of the bicycles. (11:31 a.m.) Jacalone asked Robinson to keep the property clean and then to come back to the Board to request an abatement of the fines.

(03/23/04 - 8 - 10:17 a.m.)

6. PRESENTATION ON THE SUBMITTED CAPITAL IMPROVEMENT PROJECTS REQUESTS FOR FISCAL YEAR 2005

Item pulled and will be rescheduled for a future meeting date

(03/23/04 - 8- 11:31 a.m.)

7. DISCUSSION CONCERNING THE PLACEMENT OF "WELCOME TO HISTORIC PALM VALLEY" SIGNS

Greg Leonard, President of the Palm Valley Community Association, 49 South Roscoe Blvd, offered a PowerPoint Presentation, (exhibit A) regarding the placement of the Historic Palm Valley signs. He requested that the County approve installation of the signs as proposed.

(11:47 a.m.) Maguire introduced Public Comment

(11:47 a.m.) Kim Schuman, 217 Woody Creek Dr., President of the Woodlands East Ponte Vedra Home Owners Association, stated that he was speaking on behalf of the association and requested that the board oppose placement of the signs.

(11:51 a.m.) Sidney J. Mickler, 14 South Roscoe Blvd., spoke in favor of the signs.

(11:52 a.m.) Marcy Silkebaken, 1145 Neck Road, spoke in favor of the signs.

(11:53 a.m.) Louis C. Anthony, 1205 Neck Road, spoke in favor of the signs.

(11:55 a.m.) John Bottaro, 104 Old Mill Court, Vice President Odem's Mill Home Owners Association, stated his opposition to the proposed installation of new signs.

(12:00 p.m.) Clara Jo Mickler, 14 South Roscoe Blvd., stated her approval for the placement of the new signs to recognize the beautiful and historical area.

(12:01 pm.) Ron Mackelcannon, 27 N. Wilderness Trail, distributed a copy of a petition in favor of the placement of the Welcome to Historical Palm Valley Signs and requested that the historical significance be recognized through use of these signs.

(12:05 p.m.) Captain Warren Rauhofer, 159 South Roscoe Blvd, expressed approval of the signs and felt that recognition of the area was necessary.

(12:07 p.m.) Fred Spencer, 248 Clearwater Drive, representing the Plantation Oaks Home Owners Association spoke in opposition to the proposed locations and installation of new signs.

(12:11 p.m.) Chris Demme, 157 Woodlands Creek Drive, requested that the commission oppose additional signage.

(12:16) Sarah Whitlock, 1162 Neck Road, urged the Commission to allow the installation of signs to honor the Palm Valley area.

(12:17 p.m.) Mary Voutour, 134 South Roscoe Blvd, spoke in favor of the installation of new signs.

(12:18 p.m.) Bill Jepsom spoke in favor of the Palm Valley Historical Signs and urged the Commission to honor the historic community.

(12:20 p.m.) Bill Tunstall, 115 Glen Cove Place, President of the Fairfield Home Owners Association was opposed to new signs being erected.

(12:21 p.m.) Peter W. Schwab, 301 S. Millview Way, spoke in opposition of the installation of new signs.

(12:23 p.m.) Garry Phillips, 161 South Roscoe Blvd., Ponte Vedra Community Association, expressed disappointment in the process and apologized for this sign issue taking up so much of the County's time. Phillips, stated that those opposed were

concerned about their property values decreasing. Phillips was in favor of the installation of new signs.

(12:26 p.m.) Meiszer explained that the placement of historical signs had nothing to do with setting boundaries. He clarified that the item before the Commission was for permission to place signs in County right-of-way, not to define boundaries. (12:32 p.m.) Stern clarified that the issue should have been resolved within the community. Stern had pulled the meeting minutes and transcripts from the 05/06/03 meeting and stated that the Commission had approved the compromise of two locations and that the Community Association and Home Owners Association would return to the Commission with an agreement regarding additional sign locations. She explained that the Ponte Vedra Home Owners Association would like place the signs and that the Commission should bring closure to this issue. She requested the Commission give permission to the Ponte Vedra Home Owners Association to place the two additional signs in the proposed locations. (12:36 p.m.) **Motion by Stern, Jacalone seconded, discussion ensued, to approve the four locations for placement of signs, motion carried 4/0 with Maguire opposed at 12:40 p.m.**

(12:41 p.m.)

Motion by Jacalone, Meiszer seconded to move the rest of the morning agenda to the afternoon session, carried 5/0.

(12:41 p.m.) Stern recessed the meeting until 1:30 p.m. and reconvened at 1:42 p.m. with Stern, Maguire, Jacalone, Bryant, Meiszer, Bosanko, and Deputy Clerk Lenora Newsome.

Bosanko requested that two items be added to the agenda: 1) a request for a rehearing on the Consession's Case/Surfside PUD, regarding the approval of the PUD without the waivers, referring to the Porpoise Point Case. Jacalone stated that the vote from the Board on the Surfside PUD altered the application that was submitted. Bosanko spoke on the Porpoise Point Case. Jacalone mentioned that he hoped that the Board would allow them what they were asking for, and then the Board act on the actual application that was submitted. (1:50 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to revisit the agenda.**

(1:50 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to add as Item 12A, the proposed rehearing of Consessions, Inc., and as Item 12B, the settlement offer for the GRIT claim.**

(03/23/04 - 10 - 1:52 p.m.)

9. PUBLIC HEARING - REZ 2003-25, ARNETT HEATING AND AIR CONDITIONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 2.18 ACRES, LOCATED AT 1460 S.R. 207 AT THE CORNER OF HILLTOP ROAD, FROM OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI). THE PARCEL IS CURRENTLY VACANT AND THE APPLICANT PROPOSES TO CONSTRUCT A FACILITY FOR SALES AND REPAIR OF HEATING AND AIR CONDITIONING EQUIPMENT. AN APPLICATION FOR CONCURRENCY DETERMINATION HAS BEEN SUBMITTED (CONMAJ 2003-53) AND IS SCHEDULED FOR REVIEW AT THE FEBRUARY 11, 2004, CONCURRENCY REVIEW COMMITTEE MEETING. A FINAL CERTIFICATE OF CONCURRENCY FOR A MINIMUM OF 1/3 OF THE MAXIMUM DEVELOPMENT ALLOWED BY THE PROPOSED REZONING IS REQUIRED PRIOR TO APPROVAL OF SUCH REZONING

Proof of publication of the Notice of Public Hearing on the notice of hearing on REZ 03-25, Arnett Heating was received, having been published in *The St. Augustine Record* on March 3, 2004.

Bruce Ford, Chief Planner, reviewed this item, stating this was a request to rezone three acres from Open Rural (OR) to Commercial Intensive (CI) for a heating and air conditioning sales and repair facility. Jacalone asked if the site had full concurrency and about modifications to the intersection. Ford responded.

(1:54 p.m.) Karen Taylor, 3070 Harbor Drive, gave the history on this item. She mentioned the plans to put p a traffic light at Hilltop Road and SR207. Discussion followed on the traffic signal and concurrency.

(2:00 p.m.) John Holdsworth, 1400 SR 207, spoke on respecting the people who lived in the area and respecting the back boundary line.

(2:05 p.m.) Bishop addressed the traffic light. Bryant asked what the normal buffer was. Taylor replied that it was a 20-foot buffer, plus a Residential B screen. (2:08 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to enact Ordinance 2004-18, known as REZ 2003-25, Arnett Heating and Air Conditioning adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2004-18

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 COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/23/04 - 11 - 2:08 p.m.)

10. PUBLIC HEARING - MAJMOD 2004-01, SEA VIEW LANDINGS PUD - THIS REQUEST IS TO MODIFY THE APPROVED PUD TO CHANGE THE PROJECT NAME FROM "REGIS PINES PUD" TO "SEA VIEW LANDINGS PUD," TO ADD 330 MULTI-FAMILY DWELLING UNITS, TO RE-ALLOCATE THE INDUSTRIAL, COMMERCIAL AND OPEN SPACE PERCENTAGES WITHIN THE PROJECT AND TO MORE CLEARLY DEFINE THE PHASING SCHEDULE OF THE PROJECT, DUE TO THE NEWLY PROPOSED USES. THE SUBJECT PROPERTY IS LOCATED AT 1065 SR 207, AND IS COMPRISED OF 55.38 ACRES. FINAL CERTIFICATE OF CONCURRENCY, CONMAJ2001-10, WAS EXTENDED AND REMAINS VALID UNTIL 9/26/06, BASED ON THE PRE-PAYMENT OF ROAD IMPACT FEES FOR THE DEVELOPMENT OF 84,000 SQ. FT. OF LIGHT INDUSTRIAL SPACE, 32,000 SQ. FT. OF GENERAL OFFICE SPACE, AND 47,000 SQ. FT. OF SHOPPING CENTER SPACE, AS MODIFIED. A MODIFICATION OF FCOC CONMAJ2001-10 WILL BE REQUIRED PRIOR TO APPROVAL OF THIS PROPOSED MODIFICATION DEMONSTRATING NO INCREASE IN PROJECT IMPACTS

Proof of publication of the Notice of Public Hearing on the notice of hearing on MAJMOD 04-01 Sea View was received, having been published in *The St. Augustine Record* on March 3, 2004.

Ford reviewed this item, stating this was a request to modify the existing PUD with the name being changed from *Regis Pines PUD* to *Sea View Landings PUD*; adding an additional 330 multi-family units; and redefining the phases schedule to two three-year phases. He displayed a map, Exhibit A. He stated that they were asking for two waivers and that they had received one Adjacent Property Notice opposing this request. Maguire asked what reallocate meant. Ford explained that they were going to reconfigure the industrial and commercial from the original PUD. Maguire asked about the family units, and changes to the setback. Ford responded. Discussion followed on using the entire upland acreage to compute the residential, the predicted population for schools, the minimum amount of uses allowed, and the maximum size of the clubhouse. Meiszer asked how many dwelling units were in this PUD. Ford replied that there were no dwelling units in the original PUD. Meiszer spoke on this PUD meeting the Comp Plan and wetlands buffer. (2:27 p.m.) Jacalone recommended changing the language to permit them to do what they were proposing to do, which was some commercial. Ford distributed a revised MDP.

(2:32 p.m.) Gary Davenport, 3266 Pacetti Road, representing the applicant, spoke on the existing PUD site plan. He stated that he thought there was a misunderstanding in the density issue, and stated that they never had any intent to go to residential. He explained the project, utilizing the site plan, Exhibit B. He explained that they would commit to a minimum of 3,000 feet for a clubhouse. Jacalone asked if they were going to drop the request to change uses. Davenport replied yes, they were willing to take it out. Jacalone spoke on the request for the waiver to the buffer requirement. Meiszer spoke on the wetlands being the buffer, instead of filling wetlands to create a buffer. Discussion followed on 13 units being the maximum amount allowed within a mixed-use area, the amount of parking spots, the access point and the interconnectivity. Bosanko asked if they were proposing a change to the text on page 1. Davenport replied yes, that they were offering to delete both of the following sentences: "*As an additional use, Commercial/Retail shall be permitted but not required. In the event the Commercial acreage parcels are not developed as Commercial, the developer may include this acreage into one of the three required uses; residential, industrial or open space.*" Davenport replied that there would be a change on page 6, "*a minimum of 3,000 square feet up to 7,000 square feet.*" Jacalone voiced concern with them being able to re-designate either industrial or commercial to residential. Davenport stated that was not their intent, that they would be taking that statement out. Meiszer asked when designing a subdivision with 300 homes, would they place commercial and industrial land uses adjacent to the residential homes in their development. (2:58 p.m.) Danielle Mayoros, North Beach Engineering, responded yes they would. (3:00 p.m.) **Motion by Maguire, seconded by Jacalone, carried 3/2 with Meiszer and Bryant opposed, to enact Ordinance No. 2004-19, known as MAJMOD 2004-01, Sea View Landings PUD, adopting Findings of Fact to support the motion with two changes; 1) to delete the two sentences on page 1 which was previously discussed, and they added a minimum of 3,000 square feet minimum to the clubhouse.**

ORDINANCE NO. 2004-19

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE REGIS PINES PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2002-39, (NOW TO BE KNOWN AS SEA VIEW LANDINGS PUD); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/23/04 - 13 - 3:00 p.m.)

11. PUBLIC HEARING - PUD 2003-11, DEERFIELD MEADOWS - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 45 ACRES, LOCATED ON WEST WATSON ROAD, FROM OR TO PUD FOR A PROPOSED 74 UNIT SINGLE FAMILY SUBDIVISION WITH RECREATION AMENITIES. THE PROJECT WILL ACCESS THROUGH DEERFIELD TRACE SUBDIVISION TO THE NORTH AND CENTRAL WATER AND SEWER WILL BE PROVIDED VIA A LIFT STATION TO BE CONSTRUCTED WITHIN DEERFIELD TRACE. A CONCURRENCY CERTIFICATE (CONMAJ 2002-19) WAS ISSUED ON JUNE 23, FOR 74 SINGLE FAMILY RESIDENTIAL UNITS; NO FURTHER CONCURRENCY REVIEW IS REQUIRED

Proof of publication of the Notice of Public Hearing on PUD 03-11, Deerfield Meadows was received, having been published in *The St. Augustine Record* on March 3, 2004.

Ford stated that this request sought to rezone approximately 45 acres located on west Watson Road, from OR to PUD, for a 74 unit single-family subdivision with recreation amenities, site plan, Exhibit A. He mentioned that the applicant was asking for two waivers. Jacalone asked if the access through Deerfield Trace, going west on Watson Road, met the County's paving and drainage standards, area map, Exhibit B. Ford replied yes. Maguire asked if a stoplight was going to be placed at Watson Road and US 1. Ford replied that he didn't know, but would try to find out. Maguire asked if the 1.91 units per acre were compatible with the other residential in the area. Ford responded that there were other subdivisions in that area that were in that general density.

(3:08 p.m.) Karen Taylor, 3070 Harbor Drive, explained the confusion on the layout of the property. She spoke on including the access in the PUD, there being 74 single-family homes in a Residential-B area; having a minimum lot size of 70 x 100; the placement of the entrance sign; having water and sewer lines all the way down Watson Road; the road being improved to the entrance of the subdivision, not having curb and gutter, being required to add a sidewalk in front of the Crescent Industrial Park; the applicant dedicating 40 feet of additional right-of-way for any future extension of Watson Road; and the 25 foot buffers and 25 foot setbacks; maps, Exhibit C and Exhibit D. Taylor mentioned that the improvement on Watson Road was a paved road to County standards up to the development.

(3:16 p.m.) Shawn Collins, Concurrency and Transportation, spoke on the road meeting County standards. Stern spoke on receiving notices from two people in favor of the application, Exhibit E. (3:23 p.m.) Scott Clem, Director of Development Growth, spoke on all the roads within a project meeting current County standards. He explained that if the external road leading to the site was unpaved, it would have to be constructed to paved standards. He stated that newly created subdivisions were required to bring a dirt section up to current County standards. Discussion followed on bringing roads up to current County standards, causing extra traffic on Watson Road, and a segment of Watson Road having a 60-foot right-of-way when the requirement was an 80-foot right-of-way.

(3:31 p.m.) Terry King, 430 Watson Road, spoke in opposition to the rezoning, stating there was not enough room for a subdivision and the road was not wide enough for extra traffic. He also stated that the drainage was poor.

(3:38 p.m.) Taylor introduced Mike Pullium, 3000 North Ponce, Project Engineer, who spoke on not relocating the entrances to the Industrial Park, putting in sidewalks and improving the roads.

The meeting recessed at 3:41 p.m. and reconvened at 3:49 p.m.

(3:50 p.m.) Taylor asked if there were still more questions regarding Watson Road. Discussion followed on placing a traffic signal at the intersection of US 1 and Watson Road, and bringing the water and sewer to the site. (3:54 p.m.) **Motion by Jacalone, seconded by Maguire, carried 4/1 with Stern opposed, to enact Ordinance No. 2004-20, known as PUD 2003-11, Deerfield Meadows PUD, adopting Findings contained in the package.**

ORDINANCE NO. 2004-20

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

(03/23/04 - 14 - 3:55 p.m.)

12. PUBLIC HEARING - PUD 2003-15, ABERDEEN - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1,313 ACRES, GENERALLY LOCATED BETWEEN RACETRACK AND GREENBRIAR ROADS AND EAST OF SR 13, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR THE DEVELOPMENT OF 1,623 SINGLE-FAMILY RESIDENTIAL UNITS AND 395 MULTI-FAMILY RESIDENTIAL UNITS WITH ASSOCIATED RECREATIONAL FACILITIES; 40,000 SF OF OFFICE/CIVIC; 60,000 SF OF RETAIL/COMMERCIAL/ SERVICE AND 10,000 SF OF COMMUNITY CENTER. THE REZONING WILL ALLOW THE ABERDEEN DRI, APPROVED IN APRIL 2003, TO PROCEED WITH PERMITTING AND FURTHER DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RESIDENTIAL-C FUTURE LAND USE DESIGNATION. A FINAL CERTIFICATE OF CONCURRENCY (CONMAJ2003-36) FOR WATER, SEWER, DRAINAGE, SOLID WASTE, MASS TRANSIT AND RECREATION WAS APPROVED ON NOVEMBER 12, 2003, FOR BUILD OUT OF THE DRI. TRANSPORTATION CONCURRENCY WAS REVIEWED AND APPROVED AS A COMPONENT OF THE DRI REVIEW PROCESS. THE PROJECT HAS MET THE TRANSPORTATION CONCURRENCY REQUIREMENTS BY MITIGATING FOR TRANSPORTATION IMPACTS UNDER THE PROVISIONS SET FORTH IN SECTION 163.3180(12), FLORIDA STATUTES (PIPELINING). ACCESS WILL BE PROVIDED BY CR 244 (EAST/WEST CONNECTOR) AND ABERDEEN BLVD. CENTRAL WATER, SEWER, RE-USE AND ELECTRIC WILL BE PROVIDED BY JEA AND UTILITIES WILL BE INSTALLED UNDERGROUND. THERE IS NO KNOWN SIGNIFICANT NATURAL COMMUNITIES HABITAT. THE PROJECT WILL BE DEVELOPED IN TWO PHASES. CONSTRUCTION WILL BE COMMENCED WITHIN TWO YEARS OF PUD APPROVAL. COMMENCEMENT SHALL BE DEFINED AS THE APPROVAL OF HORIZONTAL CONSTRUCTION PLANS. COMPLETION SHALL BE DEFINED AS APPROVAL OF AS-BUILTS. COMPLETION SHALL NOT EXCEED TEN YEARS. THE PROPOSED BUILDING LOT COVERAGE IS 65% FOR SINGLE FAMILY, AND 70% FOR MULTI-FAMILY

Proof of publication of the Notice of Public Hearing on PUD 03-15, Aberdeen was received, having been published in *The St. Augustine Record* on March 8, 2004.

Nicole Cubbedge, AICP, Planner III, presented the details of this item, and explained that the applicant was requesting six waivers to the Land Development Code. She stated there were four items of correspondence received in favor, and 57 items in opposition to the request, Exhibit A. Discussion followed on the access to the site, who would be funding the roadway, the recreation requirement being met, variances regarding corner lots, the directional signage, and height limits. Bosanko asked for another agenda change to hear Item 12B now because Mr. Middleton had to leave for another appointment. (4:17 p.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to continue this item for about 15 minutes to go to Item 12B.**

The meeting moved to Item 12B.

(4:26 p.m.) John Metcalf, 245 Riverside Avenue, gave a presentation on Aberdeen, Exhibit B, reviewing the location map, the project status, the Aberdeen Development Plan, the road network, and new highways, the community infrastructure, the schools, the parks/recreation, and environmental protection. He reviewed a colored version of the Project, Exhibit C, and the project identification signage conceptual monument elevation, Exhibit D. Bryant asked about the agreement that was made for the parks and recreation. Metcalf stated that the agreement made on parks and recreation was written within the DRI text, and there was a letter dated March 26, 2003, regarding the agreement, Exhibit E. Bosanko replied that the part that Metcalf mentioned had been put into the DRI. Metcalf spoke on the 50-acre parcel. Jacalone mentioned making it a condition of the PUD. Metcalf replied that they would be happy to make it a condition of the PUD.

(03/23/04 - 15 - 4:18 p.m.)

12B. SETTLEMENT OFFER IN GRIT LITIGATION

Mr. Jim Middleton, Special Counsel to the County, spoke on the settlement offer with a net payment of \$60,000, which would be made by the County, if agreed upon, and would end the litigation. He stated that the offer was not contingent on making a decision today. Stern mentioned that they should consider this today. (4:21 p.m.) **Motion by Meiszer, seconded by Maguire, to accept the offer of Option 1 at \$60,000, to be paid from the General Fund Reserve.** (4:22 p.m.) Laura Barrow, Assistant County Attorney, entered the meeting. Barrow stated that there were two options and the Board needed to decide on one. Bosanko stated that the money was already budgeted. Middleton stated that the County saved \$36,000 in less than a week. **The motion carried 5/0.** Barrow left the meeting.

The meeting returned to Item 12.

(4:51 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Yvonne King entered the meeting.

Discussion followed on the time frame for the roads to be built.

(4:59 p.m.) Floris Lorfano, 713 Bearberry Court, Julington Creek, asked several questions regarding the 35' buffer. Doug Miller, England, Thims & Miller, 14775 Old St. Augustine Road, responded to the questions of Lorfano.

(5:03 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, commented in opposition to the rezoning.

(5:05 p.m.) JoAnn Gramm, 1108 Veronica Place, Julington Creek, questioned the location of Bearbranch Lane in proximity to the Aberdeen development. McClure responded to the questions of Gramm. Graham questioned the buffering, and the proximity of the commercial property in relation to the residential property in the area; to which, McClure responded.

Discussion followed concerning the buffer being a natural undisturbed vegetative buffer. (5:14 p.m.) **Motion by Stern, seconded by Jacalone, to enact Ordinance No. 2004-21, known as PUD 2003-15 Aberdeen; and adopting Findings of Fact 1 through 7 to support the motion.** (5:14 p.m.) Jacalone suggested that some language be incorporated into the PUD text to convey the 50-acre site, free and unencumbered.

The meeting recessed at 5:15 p.m. and reconvened at 5:22 p.m.

(5:22 p.m.) Bosanko read some language to be inserted into the PUD text regarding the 50-acre park; as follows: in the Master Development Plan Text; pg 11, #5, add, *"In addition, the Developer shall acquire and donate, to St. Johns County an approximately 50-acre parcel of land south of Race Track Road between Aberdeen and Durbin Crossing DRI for use as an active park with athletic fields with frontage on CR 244 or other location acceptable to the County. The land shall be of sufficient size and have enough usable land to provide a minimum of eight baseball and four soccer/football fields. The land shall be donated within one year after the effective date of the Development Order for Aberdeen. That is St. Johns County Resolution No. 2003-62. No impact fee credits shall be requested or given for the 50-acre parcel."* (5:24 p.m.) McClure agreed to the suggested language. (5:26 p.m.) **The motion carried 5/0.**

ORDINANCE NO. 2004-21

**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**

(5:26 p.m.) Bryant stated that regarding DRIs, the Board negotiates and tries to get as much as possible for St. Johns County. He said that was the responsibility of all the Commissioners.

(03/23/04 - 16 - 5:28 p.m.)

4. CONSENT AGENDA ITEM #4 - MOTION TO APPROVE APPLICATION TO F.I.N.D. FOR \$200,000 (\$400,000 COUNTY MATCH) FOR CONSTRUCTION OF MOULTRIE CREEK BLUFF STABILIZATION AND ACCESS AND MOTION TO GRANT AUTHORIZATION SIGNATURE ON THE ATTACHMENT E-6

At the request of the Deputy Clerk, Stern informed the Board that the Resolution for Consent Agenda Item No. 4 was not given a number. (5:28 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to reopen the Consent Agenda.** (5:29 p.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to add Resolution No. 2004-55 to Consent Agenda Item No. 4.**

RESOLUTION NO. 2004-55

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING APPLICATION TO F.I.N.D. FOR \$200,000 FOR CONSTRUCTION OF MOULTRIE CREEK BLUFF STABILIZATION AND ACCESS AND MOTION TO GRANT AUTHORIZATION SIGNATURE ON THE ATTACHMENT E-6

(03/23/04 - 17 - 5:30 p.m.)

8. CONSIDER A MOTION TO AUTHORIZE TRANSFER OF \$1,597 FROM GENERAL FUND RESERVES TO 0063-58200, FOR THE INSTALLATION OF AN UPGRADED ALARM SYSTEM FOR THE HASTINGS CLINIC

Bosanko relayed the request from Dr. Marathe to have the County pay for an upgrade to the alarm system in the Hastings Clinic. Bosanko also relayed that the Account Number on the Agenda Page should be changed to 0063-56104, at the request of Joe Vonasek. (5:32 p.m.) **Motion by Meiszer, seconded by Stern, to authorize the transfer of \$1,597 from the General Fund to Account Number 0063-56104, for installation and upgrade of the alarm system at the Hastings Clinic.** (5:33 p.m.) Discussion followed on the maintenance of the clinic. (5:34 p.m.) **The motion carried 5/0.**

(03/23/04 - 17 - 5:34 p.m.)

- 12a. DISCUSSION OF SURFSIDE PUD 2003-21 (CONCESSIONS, INC.)

Bosanko informed the Board that George McClure had requested the Board reconsider the approval of the Surfside PUD (Ord. No. 2004-17), that was heard on March 16, 2004. (5:35 p.m.) George McClure, 170 Malaga Street, provided reasons for the request for a rehearing. (5:44 p.m.) **Motion by Jacalone, seconded by Bryant, to rehear the Surfside PUD issue, as soon as it can be scheduled.** (5:46 p.m.) Maguire filed Form 8B, a Memorandum of Voting Conflict, and abstained from taking action on this issue. Discussion followed on the rehearing request. (5:50 p.m.) **The motion carried 4/0, with Maguire abstaining.**

(03/23/04 - 17 - 5:50 p.m.)

COMMISSIONER'S REPORTS, COUNTY ADMINISTRATOR'S REPORT, COUNTY ATTORNEY'S REPORT, AND CLERK OF COURT'S REPORT

Motion by Bryant, seconded by Stern, carried 5/0, to move the Reports until after Item No. 13.

(03/23/04 - 17 - 5:51 p.m.)

13. PUBLIC HEARING - AMENDMENTS TO ARTICLE IX, ARTICLE XI, APPENDIX A, APPENDIX E, AND APPENDIX F OF THE LAND DEVELOPMENT CODE - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE ARTICLE IX, ARTICLE XI, APPENDIX A, APPENDIX E, AND APPENDIX F. SPECIFICALLY, ARTICLE IX IS PROPOSED TO BE AMENDED TO DELETE THE ORDER OF HEARINGS FOR QUASI-JUDICIAL HEARINGS. THE CONDUCT OF THE HEARINGS IS NOT A LAND DEVELOPMENT REGULATION AND WOULD MORE APPROPRIATELY BE OUTLINED IN THE BOARD'S RULES AND PROCEDURES AND NOT THE LAND DEVELOPMENT CODE. ALSO, THE NOTICE PROVISIONS FOR MAILED NOTICES IS PROPOSED TO BE AMENDED, TO ALLOW FOR A 90

DAY TIME PERIOD BETWEEN THE 10 DAY NOTICE REQUIREMENT AND THE DATE THAT THE LIST OF ADJACENT PROPERTY OWNERS MUST BE PREPARED. THE PROPOSED AMENDMENTS ALSO ALLOW THAT THE SAME LIST OF ADJACENT PROPERTY OWNERS MAY BE USED FOR THE PUBLIC HEARINGS FOR BOTH THE PLANNING & ZONING AGENCY AND THE BOARD OF COUNTY COMMISSIONERS. THE PROPOSED AMENDMENTS TO ARTICLE XI INCLUDE PROVISIONS FOR DEVELOPMENTS OF REGIONAL IMPACT (DRIs) THAT USE THE "PIPELINING" PROVISIONS OF FLORIDA STATUTES. ALSO, DEVELOPMENT PROJECTS THAT APPLY FOR A STRAIGHT REZONING MAY BE ABLE TO APPLY FOR CONCURRENCY FOR THE TYPE AND INTENSITY OF THE SPECIFIC PROJECT BEING PROPOSED, RATHER THAN THE MOST INTENSE LAND USE THAT THE ZONING CATEGORY PROVIDES. THE PROPOSED AMENDMENTS ALSO INCLUDE A TOLLING PROVISION FOR DEVELOPMENT PROJECTS THAT ARE SUBJECT TO LITIGATION WHERE THE APPLICANT IS A DEFENDANT IN THE LITIGATION AND THE PLAINTIFF(S) ARE NOT GOVERNMENTAL AGENCIES

Proof of publication of the Notice of Public Hearing regarding the amendments to the Land Development Code was received, having been published in *The St. Augustine Record* on March 12, 2004.

Clem announced that this was the first of two required public hearings. The second public hearing was scheduled for April 6, 2004 at 1:30 p.m. Clem then reviewed the proposed changes to the LDC, as follows: there would be a proposed change to the Concurrency Management Ordinance; pipelining would be addressed; the order of hearings for Quasi-Judicial Hearings would be removed; there would be changes to certain roadway classifications; and there would be changes to the trip generation data. Discussion followed regarding extending the concurrency period, if certain conditions exist; pipelining; the definitions section; and increasing the number of zoning classifications. (6:06 p.m.) Stern announced that the second public hearing for consideration of the proposed amendments to the Land Development Code was set for April 6, 2004 at 1:30 p.m.

(03/23/04 - 18 - 6:07 p.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer reported that the River Cleanup was quite successful; not only in the amount of material that was picked up, but also in terms of the number of people who participated.

Meiszer addressed the NACO pamphlet that was previously distributed by the Chairman, on parliamentary procedures. He requested that the pamphlet get some serious consideration, and a way be found to incorporate some of those principles into St. Johns County Commission meetings.

Meiszer commented on negotiating the best deal for the County on all issues.

Meiszer endorsed the efforts of the Chairman regarding the State of the County Address. Meiszer then offered a suggestion to enhance the address by combining it with an annual report.

(6:12 p.m.)

Commissioner Maguire:

Maguire relayed a comment regarding the excellent work done by Margarete Laidlaw and the GTV Department.

Maguire announced that on Thursday, the National Association of Counties class would be held in Tallahassee.

(6:13 p.m.)

Commissioner Stern:

No report.

(6:13 pm.)

Commissioner Jacalone:

No report.

(6:14 p.m.)

Commissioner Bryant:

No report.

(03/23/04 - 19 - 6:14 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams informed the Board that the new Health Director would begin employment on April 23, 2004.

(03/23/04 - 19 - 6:14 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko commented on the fee waiver issue from this morning's agenda. Bosanko made the Board aware that it depended on the type of error that was made, as to whether it should come back before the Board.

(03/23/04 - 19 - 6:16 p.m.)

CLERK OF COURT'S REPORT

No report.

(6:16 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to adjourn.** With there being no further business to come before the Board, the meeting adjourned at 6:16 p.m.

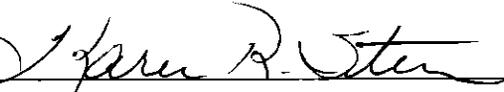
REPORTS:

1. St. Johns Board of County Commissioners Check Register, approving checks number 348292 through 348617 totaling \$2,083,494.44 (03/16/04)

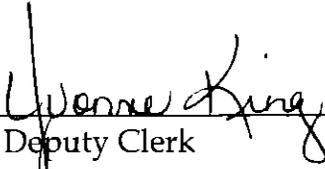
2. St. Johns Board of County Commissioners Check Register, approving checks number 348618 through 348647 totaling \$42,281.58 (03/18/04)

Approved May 25, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

