

NOTE:

Minutes of the May 18, 2005 St. Johns County Board of County Commissioners' Meeting.

The minutes contain links that enable you to listen to the audio for each item.

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**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 18, 2005
(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: Bruce A. Maguire, District 4, Chairman
 James E. Bryant, District 5, Vice Chair
 Cyndi Stevenson, District 1
 Ben Rich, District 3
 Scott Clem, Assistant County Administrator
 Dan Bosanko, County Attorney
 Patrick McCormack, Assistant County Attorney
 Terry Bulla, Deputy Clerk

Absent was: Karen R. Stern, District 2

Also present: Cheryl Strickland, Clerk of Court

(05/18/05 - 1 - 9:02 a.m.)

Maguire called the meeting to order.

(05/18/05 - 1 - 9:03 a.m.)

ROLL CALL

Maguire announced that four commissioners were present with Stern absent.

(05/18/05 - 1 - 9:04 a.m.)

INVOCATION AND PLEDGE OF ALLEGIANCE

Rich gave the invocation and led the Pledge of Allegiance.

(05/18/05 - 1 - 9:06 a.m.)

PROCLAMATION DESIGNATING MAY 15-21, 2005 AS EMERGENCY MEDICAL SERVICES WEEK

Bryant made the presentation, which was received by Chief Bobby Hall and Diane Feline.

(05/18/05 - 1 - 9:09 a.m.)

PROCLAMATION DESIGNATING MAY 30, 2005 AS MEMORIAL DAY

Maguire made the presentation, which was received by Tom Waskovich, Veterans Council Chairman, Ruben Meggitt, Commander of the American Legion, Michael Isam, Post Commander of the Disabled American Veterans, Mike Romano, Commander of VFW and Brigadier General George Gaspard.

(05/18/05 - 2 - 9:15 a.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Bryant, seconded by Stevenson, carried 4/0 with Stern absent, to accept the proclamations as read.

(05/18/05 - 2 - 9:15 a.m.)
PUBLIC COMMENT

Drew DeCandis, 409 Triple Crown Lane, Orangedale, addressed the Board regarding problems along Highway 210 with landscaping, buffering, tree planting, signage and building design issues along the roadway. He said there was a tremendous amount of growth with little consideration being given to esthetics and with no citizen input as it related to design and landscaping. He suggested that they create an Overlay District for CR 210, which would include an Architectural Review Board.

(9:22 a.m.) Dan Bosanko, County Attorney, stated he disagreed with one point DeCandis had made regarding PUDs, and that they did not comply to the Land Development Code because they were negotiated. He said that statement was incorrect and any negotiations were done within the parameters of the Land Development Code.

(9:23 a.m.) Bryant said there were a couple of things they needed to consider that ordinances could sometimes handicap businesses in the area and cited a business in Palm Coast whose signage could not be seen because of landscaping. He stated his concern was for the private individual businessman and he did not want to do anything that would hurt someone trying to better his business. (9:25 a.m.) Stevenson stated she had received two e-mails on the subject regarding landscaping along Racetrack Road and SR 13. She said it was funded by the Community Development District of Julington Creek Plantation, and was not funded by the County. She said the implication had been made that the Commission did not care about the residents along 210, and she said that was not the case. She stated she would be happy to go and look at the situation with him, and said he had a right to be concerned that it be developed in an attractive way.

(9:28 a.m.) Bryant said there was good news regarding the hiring of Dr. Paul Horton to do some work for the Board in Tallahassee regarding the County's Mental Health Services. He reported that he had received a letter from Dr. Horton and read part of it into the record, noting that, "you have developed a genuine answer to the problem that no other county or community in Florida has discovered. I am glad to report that the Florida Medicaid reform will not adversely impact on St. Johns County. The integrity of your well developed program will not be dismantled or swallowed up by another county, HMO, nor the State." He noted that the Substance Abuse Department of the Mental Health Department had recently undergone an audit and the results were outstanding. He said it was clearly worth the effort to hire the consultant to protect what the County had put together at the Mental Health Department. (9:30 a.m.) Maguire commented that program had become so successful due to the efforts of Dr. Maria Colavito and her fine staff, but also because of the vision of Commissioner Jim Bryant and his leadership and determination. He said the program was now Number 1 in the State of Florida.

(05/18/05 - 2 - 9:32 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions.

Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to accept the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Minutes:
 - 03/21/05 - Joint BCC/Jacksonville City Council Meeting
 - 04/20/05 - Regular BCC Meeting
3. Sheriff's Bonds:
 - Approve: Albert Manning Mary Bookout
 - Cancel: Christine Hills
4. Motion to direct the staff of the Clerk of Courts to remove previously capitalized items with a cost of less than \$1,000 from the capital asset records of St. Johns County
5. Motion to adopt **Resolution No. 2005-130**, approving a Final Plat for Greenbriar Plantation

RESOLUTION NO. 2005-130

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, AND ST. JOHNS COUNTY, FLORIDA, ALONG A PORTION OF STATE ROAD A1A IN NORTH ST. JOHNS COUNTY, AND A PORTION ALONG STATE ROAD 13 IN NORTHWEST ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LANDSCAPE MAINTENANCE AGREEMENT, ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2005-131**, approving the terms and conditions of a Landscape Maintenance Agreement between the State of Florida, Department of Transportation, and St. Johns County, Florida, and authorizing the County Administrator to execute this agreement, on behalf of the County

RESOLUTION NO. 2005-131

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, AND ST. JOHNS COUNTY, FLORIDA, ALONG A PORTION OF STATE ROAD A1A IN NORTH ST. JOHNS COUNTY, AND A PORTION ALONG STATE ROAD 13 IN NORTHWEST ST. JOHNS COUNTY, AND AUTHORIZING THE COUNTY

**ADMINISTRATOR TO EXECUTE THE LANDSCAPE
MAINTENANCE AGREEMENT, ON BEHALF OF THE
COUNTY.**

7. Motion to adopt **Resolution No. 2005-132**, recognizing unanticipated revenue in the amount of \$29,290.31 from VFIS and adjusting the appropriate expenditure line item by the same amount

RESOLUTION NO. 2005-132

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE AMENDMENT OF ITS FY 2005
EMERGENCY MEDICAL SERVICES BUDGET TO
RECEIVE UNANTICIPATED REVENUE FOR THE
PURPOSE OF PROVIDING REPAIRS TO A COUNTY
AMBULANCE**

8. Motion to authorize the Sheriff's Office to participate in the Department of Justice Edward Byrne Memorial Justice Assistance Grant
9. Motion to authorize the County Administrator, or his designee, to enter into contract with BNC, Inc., for work under a Base Bid and Additive Alternate Bid Item in an amount of \$274,023.00 for the project titled Palm Valley Road Sidewalk Improvements under Bid 05-82 (*Attachment "A"*)
10. Motion to authorize the County Administrator, or his designee, to enter into contract with North Florida Emulsions, Inc., for work under Base Bid #1 and Alternate Bid Items #1 and #2 in an amount not to exceed \$1,000,000.00 for the project titled FY 2005 Dirt Road Improvement Program under Bid 05-81 (*Attachment "B"*)
11. Motion to adopt **Resolution No. 2005-133**, declaring a 0.21 acre parcel of County owned property located on the southwest side of Agricultural Center Drive as surplus property approving a private sale to the only adjoining property owner, pursuant to the provision set forth in Section 125.35(2), Florida Statutes and authorizing the Chairperson of the Board of County Commissioners of St. Johns County, Florida, to execute a County Deed on behalf of the County

RESOLUTION NO. 2005-133

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
DECLARING A 0.21 ACRE PARCEL OF COUNTY
OWNED PROPERTY LOCATED ON THE SOUTHWEST
SIDE OF AGRICULTURAL CENTER DRIVE AS
SURPLUS PROPERTY APPROVING A PRIVATE SALE
TO THE ONLY ADJOINING PROPERTY OWNER,
PURSUANT TO THE PROVISIONS SET FORTH IN
SECTION 125.35(2), FLORIDA STATUTES AND
AUTHORIZING THE CHAIRPERSON OF THE BOARD
OF COUNTY COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA, TO EXECUTE A COUNTY DEED
ON BEHALF OF THE COUNTY**

12. Motion to adopt **Resolution No. 2005-134**, a certain Purchase and Sale Agreement for property adjacent to the old Ravenswood dumpsite

RESOLUTION NO. 2005-134

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A PURCHASE AND SALE AGREEMENT FOR ACQUISITIONS OF A 0.6-ACRE PARCEL FOR ADDITIONAL BUFFER TO THE OLD RAVENSWOOD DUMPSITE LOCATED OFF PACIFIC BOULEVARD AND RAVENSWOOD DRIVE AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID AGREEMENT

13. Motion to adopt **Resolution No. 2005-135**, authorizing the Clerk of the Circuit Court, to file the survey map for Church Road, claiming a vested interest in St. Johns County in the rights-of-way described in this survey by prescriptive rights of the public in accordance with the principles set forth in *Downing v. Bird*, 100 So. 2d 57 (Fla. 1958)

RESOLUTION NO. 2005-135

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR CHURCH ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN *DOWNING V. BIRD*, 100 SO.2D 57 (FLA. 1958)

14. Motion to adopt **Resolution No. 2005-136**, authorizing the Clerk of Circuit Courts, under Section 95.361, Florida Statutes, to file the survey map for John Street, claiming a vested interest in the survey map for John Street, claiming a vested interest in the road described in the survey map

RESOLUTION NO. 2005-136

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR JOHN STREET, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP

15. Motion to adopt **Resolution No. 2005-137**, authorizing the Clerk of Courts to file the survey map for a portion of County Road 214 (West King Street), from St. Augustine city limits to State Road 5 (U.S. 1), claiming a vested interest in the road described in the survey map

RESOLUTION NO. 2005-137

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR A PORTION OF COUNTY ROAD 214 (WEST KING STREET), FROM ST. AUGUSTINE CITY LIMITS TO STATE ROAD 5 (U.S. 1), CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP

16. Motion to authorize the County Administrator, or his designee, to enter into contract with Site Solutions of N.E. Florida, Inc., for \$84,955.00 for the installation of water and sewer mains along Watson Road
17. Motion to authorize the County Administrator, or his designee, to award Bid # 05-91, construction of St. Johns County Equestrian Center Phase II, to Diversified Development Southeast for a lump sum bid amount of \$642,000.00 (*Attachment "C"*)
18. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 05-53R
 - b. Proof, Notice to Bidders, Bid No. 05-66
 - c. Proof, Notice to Bidders, Bid No. 05-74
 - d. Proof, Notice to Bidders, Bid No. 05-81
 - e. Proof, Notice to Bidders, Bid No. 05-83
 - f. Proof, Notice to Bidders, Bid No. 05-88
 - g. Proof, Notice to Bidders, Bid No. 05-89
 - h. Proof, Notice to Bidders, Bid No. 05-91
 - i. Proof, Notice to Bidders, Bid No. 05-92
 - j. Proof, Notice to Bidders, Bid No. 05-93
 - k. Proof, Notice to Bidders, Bid No. 05-94
 - l. Proof, Notice to Bidders, Bid No. 05-95
 - m. Proof, Notice to Bidders, Bid No. 05-98
 - n. Proof, Notice to Bidders, RFP No. 05-84
 - o. Proof, Notice of Hearing, Price Index, St. Johns County Water & Sewer Authority, Tuesday, April 12, 2005 at 9:00 a.m.
 - p. Proof, Notice of Hearing, Vacate Francis Road, Board of County Commissioners, April 20, 2005 at 9:00 a.m.
 - q. Proof, Notice of Exchange, Exchange of County Property, Board of County Commissioners, Wednesday, April 6, 2005 at 9:00 a.m.
 - r. Proof, Notice of Meeting, Special/Private Meeting, Whetstone/ Board of County Commissioners, Wednesday, March 23, 2005 at 8:00 a.m.
 - s. Proof, Notice of Town Meeting, Commission District 1, Tuesday, April 26, 2005 from 6:30pm to 8:30 p.m.
 - t. Proof, Notice of Meeting, Special Meeting/Draft Consent Agreement St. Johns Service Company, St. Johns County Water & Sewer Authority, Tuesday, April 26, 2005 at 9:00 a.m.
 - u. Proof, Notice of Canceled Meeting, Special Meeting/Draft Consent Agreement St. Johns Service Company, St. Johns County Water & Sewer Authority, Tuesday, April 26, 2005 at 9:00 a.m.
 - v. Proof, Notice of St. Johns County Budget Hearings, Wednesday, April 27, 2005, Thursday, April 28, 2005, Friday, April 29, 2005 and Monday, May 2, 2005

- w. Proof, Notice of Meeting, Value Adjustment Board, Wednesday, April 13, 2005 at 9:00 a.m.
- x. Proof, Notice of Public Hearing, Bingo Ordinance, Board of County Commissioners, Wednesday, April 20, 2005 at 9:00 a.m.
- y. Proof, Notice of Canceled Public Hearing, Bingo Ordinance, Board of County Commissioners, Wednesday, April 20, 2005 at 9:00 a.m.
- z. Proof, Notice of Public Hearing, Bingo Ordinance, Board of County Commissioners, Wednesday, May 4, 2005 at 9:00 a.m.
- aa. Proof, Notice of Meeting, Intergovernmental Committee, Wednesday, May 11, 2005 at 3:00 p.m.
- bb. Proof, Certificate of Liability Insurance, James D. Hinson Electrical Contracting Co., Inc.
- cc. Proof, Certificate of Liability Insurance, Callaway Contracting, Inc.
- dd. Proof, Certificate of Liability Insurance, BA Wilson Construction, Inc.
- ee. Proof, Certificate of Liability Insurance, Construction Debris Removal, Inc.
- ff. Proof, Certificate of Liability Insurance, Sunshine Recycling, Inc.
- gg. Proof, Certificate of Liability Insurance, M. Gay Constructor, Inc.

(05/18/05 - 7 - 9:32 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Scott Clem, Assistant County Administrator, said there was a request to reschedule Item No. 10, public hearing for South Hampton PUD to July 12, 2005, 9:00 a.m.

(05/18/05 - 7 - 9:33 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Bryant, seconded by Stevenson, carried 4/0 with Stern absent, to approve the Regular Agenda as amended, changing Item No. 10 to July 12, 2005.

(9:34 a.m.) Bosanko stated he had a clarification on the Regular Agenda, Item No. 14. He said the note before the item actually applied to Item No. 14 and the item would be time certain and would be held at the beginning of the afternoon session at 1:30 p.m.

(9:35 a.m.) Bosanko said there would also be a special presentation at 12:10 p.m. from Judge Alexander, Chief Judge, who had requested an opportunity to formally address the Board regarding the needs for judicial facilities.

1. PRESENTATION HIGHLIGHTING CURRENT ACTIVITIES AT WORLD GOLF VILLAGE AND THE HALL OF FAME *(This item was cancelled.)*

The presenter, Jack Peter, Sr., Vice President and COO of the World Golf Hall of Fame was unable to make the meeting.

(05/18/05 - 7 - 9:36 a.m.)

2. ST. JOHNS COUNTY ROADWAY AND ENHANCEMENT PROJECT PRIORITY LISTS

Shawn Collins, Transportation Planning Manager, made the presentation and reviewed the purpose, background and general information about the project. He stated that each year the Florida Department of Transportation requested from local governments their priorities for potential funding of new transportation projects using State and Federal sources. He said the Board was charged with prioritizing all projects within the county, including those within municipal boundaries. He reported that the Transportation Advisory Group (TAG), consisted of County staff, representatives of the

City of St. Augustine, St. Augustine Beach, Town of Hasting, representatives of the St. Johns County School Board, St. Johns County Sheriff's Office, and St. Augustine-St. Johns Airport Authority and had met on April 8, 2005 to review last year's priorities and to recommend this year's list. He noted the prioritized project list had been distributed to the Board. He said a prioritized Enhancement Project List had also been included. He discussed the various projects and procedural changes, which had been implemented during the current year. He also noted changes that had been made to the priority list. (9:44 a.m.) Maguire requested a brief update of the status of the top three projects. Collins gave a brief review of the projects and their locations. (9:48 a.m.) Stevenson expressed concern that funding in Duval County was in jeopardy for the 9-B portion of the project. She stated she wanted to go on record as supporting the project for St. Johns County and making it a very high priority. (9:51 a.m.) Bryant stated that if the President did not veto the Transportation Bill, there was \$2.8 million earmarked for preliminary studies for 9-B.

(9:52 a.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to approve the St. Johns County Highway and Transportation Enhancement Project Priority list for transmittal to the Florida Department of Transportation.**

(05/18/05 - 8 - 9:53 a.m.)

3. FEASIBILITY AND CORRIDOR STUDY FOR AN ALTERNATE STATE ROAD
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Shawn Collins, Transportation Planning Manager, presented the study, which was undertaken in an effort to determine the need, feasibility, and cost-benefit of constructing an alternative roadway between U.S. 1 and the outlet malls and I-95, including a potential extension of the proposed roadway over I-95 and connecting to the proposed CR 2209 (North-South Corridor). He stated that the current presentation was a follow-up from the initial BCC presentation given last month and he noted that since that time a public meeting had been held to present the findings and to solicit comments on the preferred recommendation. He said they were requesting Board approval for the recommended alternative, which was to widen SR 16 from Toms Road to just east of Woodlawn Road. He noted that the alternative included the extension of Woodlawn Road to Inman Road, at some point in the future, to open up land for future development and to provide an alternative to SR 16. He said the study was in two phases; Task A was a feasibility study to determine if an alternate facility was needed and would prepare a comparison of a new facility, north and south of the existing SR 16 roadway to an expansion of the existing SR 16. He explained that the result of Task A would be a "Build or No-Build" recommendation, and the "Build" recommendation would include the general location of the corridor. He said the second phase, Task B, was a corridor study and would only be undertaken if the "Build" recommendation was approved. He said the focus would be on the area around the recommended corridor location and would provide a conceptual design of the new expanded facility.

(10:03 a.m.) Bryant stated that they were investigating funding for the project and he recommended action of the project sooner rather than later. He said on the SR 312 part of the project, \$13.2 million had been appropriated in the Federal budget if the President did not veto it. Bryant said he would like to see the money go toward the design and right-of-way acquisition, if it was forthcoming. (10:05 a.m.) Rich expressed concern about the Woodlawn alternative, which would allow the opening up of land for future development. He also expressed concern about concurrency if Woodlawn was extended to Inman Road, and about whose land would be affected by the proposed extension. Collins responded that it should actually help concurrency because it would reduce demand on Hwy 16 by providing access to another parallel facility. He said on the second issue that they did not know which parcels would be affected and an

analysis would take place to determine that. (10:08 a.m.) Stevenson said she too had concerns about the additional cuts, which would be required in the area. (10:09 a.m.) Maguire said he could not support opening up a road to encourage development.

(10:10 a.m.) Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to approve proceeding with Task B of the study (the corridor study phase).

(10:11 a.m.) Clem reported that Mr. Peters had been contacted and the recommendation was to reschedule Item No. 1 for a future date, as Mr. Peters would be unable to make the meeting.

(10:11 a.m.) Bryant said that a member of the public wished to speak on Item No. 9, but had to go to work and had requested to make a comment at the current time.

(10:11 a.m.) Sheila Howard, 46 Nesmith Ave., St. Augustine, commented on Agenda Item No. 9, a request for a variance for side yard setback, which would not increase the number of units requested. She stated she totally disagreed with a 7.5 to 5 feet set back, as it would crowd the development. She said that the project needed at least 10 feet on the side setbacks. She stated that if it did not include an increase in the number of homes she would be able to support it, but if it crowded the area and made it look trashy, they did not need that kind of development. (10:15 a.m.) Bryant stated it was affordable housing, there would be no increase in the number of units and that when it was completed he thought she would be very proud of it. (10:15 a.m.) Maguire said it was not a waiver to an existing ordinance, but was changing it to match what was current. (10:15 a.m.) Stevenson said she had reviewed that project just the day before and said it was a little close but it was what was allowed in the new ordinance. (10:16 a.m.) Rich assured her that the bottom line was that it would have no affect to the setback.

[\(05/18/05 - 9 - 10:17 a.m.\)](#)

4. PUBLIC HEARING - MAJMOD 2005-10 JULINGTON CREEK PLANTATION (BARTRAM TRAIL LIBRARY) PUD - THIS IS AN EXISTING PLANNED UNIT DEVELOPMENT WITHIN THE JULINGTON CREEK DEVELOPMENT OF REGIONAL IMPACT (DRI). A FINAL DEVELOPMENT PLAN FOR THE BARTRAM TRAIL LIBRARY WAS ADOPTED IN 1996 (RES. 96-48), WHICH INCLUDED SPECIFIC DEVELOPMENT REQUIREMENTS FOR THE SITE. THE PROPOSED MODIFICATIONS WOULD REDUCE THE SIDE SETBACK (ALONG THE SOUTHERN BOUNDARY LINE) FROM TWENTY EIGHT (28) FEET TO FIVE (5) FEET TO ALLOW FOR THE PLANNED FUTURE EXPANSION OF 4,658 SQUARE FEET. THE SITE WAS DEVELOPED UNDER A SPECIFIC FINAL DEVELOPMENT PLAN, RESOLUTION (RES. 96-48), THAT SPECIFIED DEVELOPMENT REGULATIONS. THE SITE IS LOCATED IN THE JULINGTON CREEK DRI OF THE 2015 FUTURE LAND USE MAP. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER/SEWER BY THE JACKSONVILLE ELECTRIC AUTHORITY (JEA). ADJACENT ZONINGS INCLUDE RESIDENTIAL SINGLE FAMILY (RS-2) AND PLANNED UNIT DEVELOPMENT (PUD). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6/0 AT THEIR MAY 5, 2005 MEETING

Proof of publication of the notice of public hearing on the major modification to the Julington Creek Plantation PUD (Bartram Trail Library) was received having been published in *The St. Augustine Record* on April 18, 2005.

Lindsay Haga, Planner II, presented the item and said there were no changes, deletions, or modifications to what had been presented. She said they had been presented with six findings of fact to recommend approval or denial of the major modification.

(10:18 a.m.) Maguire noted the item had passed the Planning & Zoning Board with a 6/0 vote, and there were no staff objections. He asked if they were doing a waiver on the setback. Haga said it was a reduction of the approved setback of 28 feet to 5 feet on the southern edge of the boundary shared with the utility treatment plant to the south. He asked Haga to explain why the setback was being requested, and why it was not special treatment to the County, the applicant. Haga explained that the basis for the request was that when they approved the final Development Plan for the Bartram Trail Library site, the actual map showed a 5-foot setback, but the text of the Development Plan had a 28-foot setback, so there was an internal inconsistency. She said the expansion had always been planned with the square footage that the Board had before them. (10:21 a.m.) Stevenson revealed ex-parte communication with the Library Advisory Board.

(10:21 a.m.) Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to enact Ordinance 2005-46, known as MAJMOD 2005-10 Julington Creek Plantation PUD, adopting findings of fact 1 through 6 to support the motion.

ORDINANCE NO. 2005-46

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE JULINGTON CREEK PLANTATION (BARTRAM TRAIL LIBRARY) PLANNED UNIT DEVELOPMENT (PUD) RESOLUTION NUMBER 96-48, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

[\(05/18/05 - 10 - 10:22 a.m.\)](#)

5. PUBLIC HEARING - REZ 2005-12 PALM VALLEY SUBDIVISION - THIS REQUEST SEEKS TO REZONE 3.4 ACRES FROM OPEN RURAL (OR) TO RESIDENTIAL, SINGLE FAMILY-2 (RS-2) IN ORDER TO DEVELOP A SMALL RESIDENTIAL SUBDIVISION CONSISTING OF NO MORE THAN FIVE (5) SINGLE-FAMILY DWELLING UNITS. THE SITE CONTAINS AN EXISTING SINGLE FAMILY DWELLING UNIT. THE PARCEL IS LOCATED ON THE WEST SIDE OF PALM VALLEY ROAD, SOUTH OF CANAL BOULEVARD. THE PROPERTY IS LOCATED IN THE RESIDENTIAL B-COASTAL LAND USE DISTRICT AS DEPICTED ON THE FUTURE LAND USE MAP; WHICH PROVIDES FOR A STRAIGHT DENSITY OF TWO (2) DWELLING UNITS PER NET ACRE. THE RESIDENTIAL, SINGLE FAMILY 2 (RS-2) ZONING CATEGORY PROVIDES FOR THE FOLLOWING DEVELOPMENT REGULATIONS: MINIMUM LOT WIDTH OF NINETY (90) FEET, MINIMUM LOT AREA OF TEN THOUSAND (10,000) SQUARE FEET, MAXIMUM LOT COVERAGE BY ALL BUILDINGS OF THIRTY (30) PERCENT WITH A MAXIMUM IMPERVIOUS SURFACE RATION OF SEVENTY (70) PERCENT. THE MAXIMUM HEIGHT OF ALL STRUCTURES IS THIRTY-FIVE (35) FEET. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER/SEWER BY INTERCOASTAL UTILITIES. ADJACENT ZONINGS INCLUDE OPEN RURAL (OR) TO THE IMMEDIATE NORTH, SOUTH AND WEST, WITH RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) TO THE EAST. THE

PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6/0 AT THEIR MAY 5, 2005 MEETING

Proof of publication of the notice of public hearing on REZ 2005-12, Palm Valley Subdivision, was received having been published in *The St. Augustine Record* on May 3, 2005.

Lindsay Haga, Planner II, stated the request sought to rezone 3.4 acres from Open Rural (OR) to Residential, Single Family-2 (RS-2). She said there were no changes but the Board had been presented with the Adjacent Property Owner Notices. (10:23) Maguire stated that the Planning staff had no objections and the Planning and Zoning Board recommended approval with a vote of 6/0. Haga said issues raised by property owners included offsite drainage issues, traffic safety and a reduction of the total number of lots for the site. She stated the drainage issue would be dealt with at the construction plan level, and would be done in such a way so as not to exacerbate the drainage problem experienced by the neighbors to the north and to the south.

(10:24 a.m.) Karen Taylor, 3070 Harbor Drive, stated she was a Land Planner, said she wanted to explain that the request was limited to five lots, but under RS-2 zoning and under the Residential B Comp Plan, they could actually do six lots. She said they were planning on doing five, only, and it was a straight re-zoning with no conditions. She noted Stevenson's concern because of the proposed entrance, which was on a curve on Palm Valley Road. She said she discussed the issue with her client, who said they had revised the plan to put the entrance on the south end of the project, a lot safer location. She also noted neighbors who had expressed concerns about flooding problems related to wetlands located behind them. She said her clients would have to take care of their own problems and were required not to make the existing problem any worse. She said it was to be handled under the construction plan review. (10:26 a.m.) Maguire asked if there was provision to put a restriction into the Ordinance limiting the development to five even though they were permitted six. (10:27a.m.) McCormack rendered an opinion on placing of conditions on straight zoning, non-PUD, and said they had to be very careful about conditions and to avoid those when possible. However, he noted there were situations where a condition could be put in. He said that if it was part of the application, there might be some argument that later on the applicant might be estopped from doing that because they went through that with five, but if a condition did not have the effect of creating a whole new zoning category, but was tied to the particular circumstances of the individual property, the Board could put a condition in the rezoning limiting it to five and it would be sustainable. Maguire asked Taylor if that followed along with her plans. (10:27 a.m.) Taylor said that was fine. She noted that conditional zonings were not something the Board probably would want to do, but it was in her statement of facts, that was attached, that said they were planning to do five lots so that was not an issue. (10:28a.m.) Maguire said he understood, and declared ex-parte communication with the developers and said he had met with them several months ago.

(10:28 a.m.) McCormack stated that if they should choose to do that, again, his review of the law showed that conditions could be placed on zoning if it did not have the effect of creating a whole new zoning category. He said that for that particular piece of property and particularly with the evidence pertaining to water management type issues that was presented at the PZA, if the applicant had indicated they were planning on five and that was part of their application, his advice to the Board was they could put a condition in the rezoning limiting it to five. (10:29 a.m.) Rich declared ex-parte communications with Taylor and questioned the size of lots on the issue. He stated the de Lause family had stated the development would be better as an RS-1 development.

(10:30 a.m.) Taylor explained that RS-1 was a category for larger lots and the parcel would not allow for five lots under that category. She said there were different setbacks and frontages to the lots, and they needed RS-2 to get the 90-foot frontage because of the layout of the property. (10:31 a.m.) Stevenson stated that she would like to flag the item for staff to give special attention to right-of-way and drainage issues, so that it would not be overlooked just because of its size. She noted that the area to the north of the proposed site was one of the areas of worst drainage issues in the County. (10:32 a.m.) Bryant suggested they go ahead and put a condition on the item and it could be removed by appearing before a new Board at a future time. He noted that procedure had been done many times in the past. (10:33 a.m.) Maguire asked Taylor if she had a problem with that. (10:33 a.m.) Taylor responded that she did not have a problem with it, though staff probably would. (10:33 a.m.) Maguire interjected that it was zoning with a condition, not conditional zoning. Taylor again stated that she did not have a problem with it. (10:33 a.m.) McCormack stated that as a prerequisite for allowing a condition like that, it had to be under the standard that the zoning category requested, which would allow six units, would itself have to be consistent with the Comp Plan and the Land Development Code.

(10:34 a.m.) Motion by Maguire, seconded by Bryant, carried 4/0 with Stern absent, to enact Ordinance 2005-47, known as REZ 2005-12 Palm Valley Subdivision Rezoning, adopting findings of fact to support the motion, with the condition that the zoning category requested, which would allow six single-family dwelling units would be limited to five single-family dwelling units, and would have to be consistent with the Comp Plan and the Land Development Code.

ORDINANCE NO. 2005-47

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 RESIDENTIAL, SINGLE FAMILY 2 (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 10:35 a.m. and reconvened at 10:48 a.m. Maguire stated that Item No. 13 would be heard at that time.

[\(05/18/05 - 12 - 10:55 a.m.\)](#)

6. PUBLIC HEARING - PUD 2004-32 SUMMER POINT PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE 35.52 ACRES OF LAND

FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF A 93 UNIT SINGLE-FAMILY DEVELOPMENT WITH ASSOCIATED RECREATIONAL AMENITIES. THE SUBJECT PROPERTY IS SITUATED OFF OF U.S. 1 SOUTH AND ABOUT 200 FEET SOUTH OF ROEHRS RD. ST. JOHNS COUNTY UTILITIES WILL PROVIDE CENTRAL WATER AND SEWER SERVICE. SIDEWALKS WILL BE PROVIDED ALONG ONE SIDE OF EACH OF THE ROADWAYS CLASSIFIED AS LOCAL ROADS WITHIN THE DEVELOPMENT. THE PUD WILL CONSTRUCT 1.35 ACRES OF ACTIVE RECREATION AREA, WHICH WILL INCLUDE A CHILDREN'S TOT LOT, SOCCER FIELD, AND A CARDIO EXERCISE AREA. THE PUD WILL ALSO HAVE 12.27 ACRES (35%) OF OPEN SPACE INCLUDING 7.77 ACRES OF PRESERVED WETLANDS, WHICH EXCEEDS THE MINIMUM 25% REQUIRED. THE SUBJECT PROPERTY IS DESIGNATED AS MIXED USE (MD) (13 UNITS PER ACRE) AND THE PUD HAS A NET DENSITY OF 3.35

UNITS PER ACRE. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR APRIL 7th HEARING, BY A VOTE OF 7-0

Proof of publication of the notice of public hearing on PUD 2004-32, Summer Point PUD, was received, having been published in *The St. Augustine Record* on May 3, 2005.

Bruce Ford, Chief Planner, stated there were no changes to the request. Maguire reviewed that the Planning & Zoning Board had recommended approval by a vote of 7 to 0, and that Staff had no objections. He said there were no waivers requested. (10:55 a.m.) Rich stated he wanted to make the Board aware of how close the property was to the Hydro Aluminum plant located in that area. He said he had been contacted on many occasions with complaints regarding noise from the plant.

(10:56 a.m.) George McClure, 170 Malaga St., Suite A, St. Augustine, responded to Rich's comments. He said Lewis Rd. was the edge of Tuscany and there were two large parcels and between U.S. 1 and Hydro and the planned project. He explained that they were substantially more distant from the plant than the Tuscany development and there was a substantial wetland between the proposed development and U.S. 1. (10:59 a.m.) Rich questioned the exit and cut through access for people to make a left turn leaving the property, and asked whether there would be decompression lanes. McClure said they had to comply with a permitting process with the State, because it was a State road. He said he was confident that those issues would be covered in the permitting process. (11:02 a.m.) Stevenson expressed concern about the number of cuts into U.S. 1 and interconnectivity. McClure stated that the only point for interconnectivity was to the south toward an area that was currently undeveloped, and there was no interconnectivity to the north because of the church located there. Discussion ensued regarding interconnectivity. Stevenson asked if they would be willing to stub the sidewalk to announce the interconnectivity without a great deal of cost. McClure said they would agree to the condition that at the time they installed the southerly roadway, they would also stub the sidewalk to the property boundary at the point of interconnectivity. (11:06 a.m.) Stevenson also addressed water and sewer connections. (11:11 a.m.) Maguire stated the only way they could try resolve the interconnectivity issue was to mandate that they put in cross connecting streets between U.S. 1 and Datil Pepper Road, and that would require buying out a couple of homeowners. (11:12 a.m.) McClure stated another factor affecting connectivity was wetlands.

(11:12 a.m.) Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to approve enactment of Ordinance 2005-48, known as PUD 2004-32, Summer Point PUD, adopting findings of fact 1 through 7 to support the motion, with the condition that at the time the southerly roadway was installed the developer would also stub the sidewalk to the property boundary at the point of interconnectivity.

ORDINANCE NO. 2005-48

**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**

(11:13 a.m.) General discussion ensued about the development going in around the Hydro Aluminum Plant and the problems caused by noise originating at the plant.

Maguire suggested that Rich meet with the Planning Department to work on solutions to development in the area and to send a letter to the Board of Realtors regarding notifying future homeowners of the proximity to the plant and any issues that might be related to buying there.

(05/18/05 - 14 - 11:15 a.m.)

7. PUBLIC HEARING - MAJMOD 2005-02, NORTH FLORIDA CANCER CENTER, THE NORTH FLORIDA CANCER CENTER PLANNED UNIT DEVELOPMENT IS AN EXISTING MEDICAL OFFICE LOCATED OFF OF SAN BARTOLA ROAD, SOUTH OF STATE ROAD 312. THE PROPOSED MODIFICATIONS WOULD PROVIDE FOR THE EXPANSION OF THE EXISTING 3,156 SQUARE FOOT BUILDING BY AN ADDITIONAL 2,660 SQUARE FEET. IN ADDITION, THE DEVELOPMENT PLAN INCLUDES INCREASED PARKING TO ACCOMMODATE THE INCREASE IN MEDICAL OFFICE SPACE. THE SITE WAS DEVELOPED UNDER A SPECIFIC PLANNED UNIT DEVELOPMENT ORDINANCE (PUD 2000-14) THAT LIMITED BUILDING SQUARE FOOTAGE TO THE EXISTING DIMENSIONS. THE SITE IS LOCATED IN THE MIXED USE DISTRICT OF THE 2015 FUTURE LAND USE MAP. POLICY A.1.9.8 OF THE 2015 COMPREHENSIVE PLAN REQUIRES BUFFERS AROUND DEVELOPMENTS WITHIN THE MIXED USE DISTRICT TO PROVIDE FOR COMPATIBILITY WITH ADJACENT USES. THE SUBJECT PROPERTY IS SERVED BY CENTRAL WATER AND SEWER BY THE CITY OF ST. AUGUSTINE. ADJACENT ZONINGS INCLUDE INDUSTRIAL (IW) TO THE NORTH, WEST AND SOUTH. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 7/0 AT THEIR APRIL 7, 2005 MEETING

Proof of publication of the notice of public hearing on MAJMOD 2005-02, North Florida Canter Center, was received, having been published in *The St. Augustine Record* on May 3, 2005.

Lindsay Haga, Planner II, stated there was no new information other than a packet of project maps. She said there was a series of waiver requests to the Land Development Code related to the project request and cited them: 1) A waiver to Section 5.03.03.A.4 to reduce the required ten (10) foot perimeter buffer along the southern and western property lines and a portion of the northern property lines to accommodate the existing parking areas as well as a portion of the new additional parking. 2) A waiver to Section 6.01.03 E(3) to reduce the second front yard setback along the eastern property line from twelve (12) feet to ten (10) feet. 3) A waiver to Section 7.02.03 to accommodate the existing monument sign. The existing sign has a zero setback which conflicts with the current Land Development Code requirements. 4) A waiver to Section 5.03.03 B.2 to reduce the required commercial building and parking setback from twenty (20) feet to five (5) feet along the southern property boundary and from twenty (20) feet to ten (10) feet along the eastern property boundary in order to accommodate the existing parking. She said that staff had no objections to any of the waiver requests. She noted the requested expansion would allow an additional 2,000 square feet for medical office use.

(11:18 a.m.) Stevenson questioned whether a storm water agreement had been sent for approval and if so if it had been received. Haga stated that she did not have record of it but that generally businesses in the area shared storm water ponding. She referred the question to the applicant. (11:19 a.m.) Clay Seay, 1520 San Rafael Way, of the Hardy Group, stated they had two letters of approval from Dixie Custom for access to the private roads and from the Institute of Technology giving them access to their storm water system.

Maguire questioned whether the PZA approved three or four waivers. Haga responded that they had approved all four waivers. Maguire asked that if the expansion would allow them to meet the minimum requirement. Haga said they would meet the 25 percent requirement for open space as well as the 75 percent limit for ISR. (11:22 a.m.) Bryant commented that he tried to take into consideration all the implications to the people that it might affect. He asked if they would provide all oncology services in the facility. Seay said that was correct. Bryant said the County had a lot of clients in its Social Services Department and the expansion would be critical in that it could save the County from having to utilize the transportation for the disadvantaged to transport some of their patients to other facilities which were often out of county. He stated that he supported the expansion. (11:23 a.m.) Stevenson commented that two of the waivers would allow the existing facility to conform to the code, which came into effect after the property was approved. She said that because there were so many waivers she had gone to the site to assess the situation, and she did not object to the expansion. (11:25 a.m.) Maguire stated the building height was confusing and asked for clarification. Seay said Code would allow them to go to 40 feet but, they were building the addition up to the existing height, which was 26 feet.

(11:26 a.m.) **Motion by Bryant, seconded by Stevenson, carried 4/0 with Stern absent, to enact Ordinance 2005-49, known as MAJMOD 2005-02 North Florida Cancer Center PUD adopting findings of fact 1 through 6 to support the motion.**

ORDINANCE NO. 2005-49

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO THE NORTH FLORIDA CANCER
CENTER PLANNED UNIT DEVELOPMENT (PUD)
ORDINANCE NUMBER 00-14, AS AMENDED; MAKING
FINDINGS OF FACT; REQUIRING RECORDATION;
AND PROVIDING FOR AN EFFECTIVE DATE

(05/18/05 - 15 - 11:27 a.m.)

8. PUBLIC HEARING - REZ 2005-08 OT FLEX TOOLING - THIS IS A REQUEST TO REZONE 9.99 ACRES FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW) FOR A MANUFACTURING BUILDING. THE PARCEL IS LOCATED ON THE WEST SIDE OF WHITE TOWER RD AND IS SOUTH OF COUNTY ROAD 13 AND IS CURRENTLY IN THE AGRICULTURAL INTENSIVE LAND USE AREA AS DEPICTED ON THE 2015 FUTURE LAND USE MAP BUT IS PROPOSED TO CHANGE TO INDUSTRIAL. THE PROPERTY WILL BE SERVED BY PRIVATE WELL AND SEPTIC TANK. ADJACENT ZONINGS ARE OPEN RURAL (OR). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST BY A VOTE OF 6 TO 0 AT THEIR APRIL 21, 2005 MEETING

Proof of publication of the notice of public hearing REZ 2005-08, OT Flex Tooling, was received having been published in *The St. Augustine Record* on May 2, 2005.

Bruce Ford, Chief Planner, stated he had no changes to report. Maguire said the request had been approved by the PZA 6/0 and there were no planning objections.

(11:27 a.m.) The applicant Oakey Brewer, 8165 SR-207 stated he had no changes. (11:28 a.m.) Rich asked if there was any residential development in the area. Brewer stated there was none and it was all open farmland. Rich asked if there would be a lot of noise

generated after working hours outside the building, or if there would be any pollution issues. Brewer responded no to both questions.

(11:28 a.m.) **Motion by Stevenson, seconded by Bryant, carried 4/0 with Stern absent, to enact Ordinance 2005-50, known as REZ 2005-08 OT Flex Tooling Rezoning, adopting findings of fact 1 through 4 to support the motion.**

ORDINANCE NO. 2005-50

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 INDUSTRIAL WAREHOUSE (IW); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/18/05 - 16 - 11:29 a.m.)

9. PUBLIC HEARING - MAJMOD 2004-21 RAVENSWOOD FOREST PLANNED UNIT DEVELOPMENT - THE RAVENSWOOD FOREST PUD CONSISTS OF 47.41 ACRES AND IS LOCATED ON THE SOUTH SIDE OF RAVENSWOOD DRIVE WEST OF MASTERS DRIVE. THE MAJOR MODIFICATION PROPOSES TO REVISE THE PHASE LINE TO PROVIDE 81 LOTS IN PHASE I AND 55 LOTS IN PHASE II. THE REVISED PHASE I LINE COINCIDES WITH AND IS OUTSIDE OF THE PRIMARY ZONE OF THE BALD EAGLE NEST LOCATED ON THE SITE WITHIN THE WETLAND CONSERVATION AREA TO THE EAST. THE PHASE LINE CHANGE WILL ALLOW CONSTRUCTION ACTIVITY WITHIN PHASE I CONSISTENT WITH THE ADOPTED RAVENSWOOD FOREST BALD EAGLE MANAGEMENT PLAN (BEMP). THE TEXT HAS ALSO BEEN AMENDED TO MAKE IT CLEAR THAT THE UPLAND AREA LOCATED WITHIN THE WETLAND STRAND WITHIN THE PRIMARY ZONE IS OPEN SPACE AND NOT FOR ACTIVE RECREATION CONSISTENT WITH THE BEMP. AND FINALLY, THE CHANGE WILL REDUCE SIDE YARD SETBACKS FROM 7.5 FEET TO 5 FEET. NO OTHER CHANGES ARE PROPOSED FOR THE PUD. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MAY 5, 2005 MEETING WITH A VOTE OF 4/2. PZA MEMBERS MANUEL AND SHEPHERD VOTED NO BASED ON OBJECTIONS TO THE REDUCTION IN SIDE YARD SETBACKS FROM 7.5 TO 5 FEET

Proof of publication of the notice of public hearing on MAJMOD 2004-21, Ravenswood Forest PUD, was received having been published in *The St. Augustine Record* on April 15, 2005.

Maguire reminded the Board that this was the item that Sheila Howard had spoken on earlier in the meeting and expressed concern about crowding of the buildings.

Bruce Ford, Chief Planner, reported there were no changes to the item. Maguire said Planning & Zoning had recommended approval with a 4/2 vote. He said the no votes were based on opposition to side yard setbacks from 7.5 to 5 feet. He asked Scott Clem to explain the set back issue. (11:30 a.m.) Clem stated the previous regulation was confusing in that it required a 7.5 foot setback but allowed for encroachments for eaves. He said that based on staff recommendation they had changed the setback requirement to a straight 5-foot from any point of the structure to the property line and that was how the Code currently read. He noted the proposed change would bring the PUD, which

was approved prior to that change, into conformity with the current Land Development Code requirement.

(11:32 a.m.) Karen Taylor, 3070 Harbor Drive, stated that Jay and Linda Ginn, the property owners, Curt Wimpee, the project Professional Engineer and Cindy Barton, Legal Counsel were present. She reported that the original PUD was approved in 2001 for 136 lots for an affordable housing development and had not changed since that time. She noted there was concern by some neighbors about drainage issues, and the Water Management permit was delayed for about 2 years but had finally been granted. She added that during that time a pair of eagles had decided to nest on the property on the upland area where a park had been proposed. She said they returned to the Board with an Eagle Management Plan, which stated the parameters under which they were required to work in relation to the nest. She said that in order to adjust to the plan, they had to change the text because of the proposed park. She also reported a change in the phase lines, which reflected the Eagle Management Plan. She said the third item was the setback, which showed the change in the setback from 7.5 to 5 feet to conform to the Land Development Code. She said there were additional questions from the PZA regarding the effects of the side yard swales, and clarified that there were swales between the lots but they also conformed to the code and to the Water Management District permit, and the setback would have no effect on it. She said there was no substantial change to the PUD and it would bring the property into conformance with the Eagle Management Plan, the Comp Plan and to the requirements of the Land Development Code.

(11:38 a.m.) Stevenson questioned the swales and the areas that were flooding. Taylor responded that the swales would not make the situation and worse and the area of flooding was to the east. She added that the engineers with whom she had spoken said it would not solve the flooding problems, but should make it better. Stevenson disclosed ex-parte communication with Taylor and said she had discussed the project with her. She said she had no objection to the proposal. (11:40 a.m.) Dan Bosanko, County Attorney, stated he wanted the Board to be aware that the County was currently in litigation with several lot owners in the area regarding drainage problems. (11:41 a.m.) Rich disclosed ex-parte communication with Taylor regarding the project. He questioned why there was a two-year delay. Taylor said there was an on-going discussion with the Water Management District regarding the best way to handle the storm water runoff considerations. She noted several adjustments to the plan had been made, which caused the delay, and they had also undergone an Administrative Hearing process. (11:42 a.m.) Stevenson expressed concern that affordable housing was very important to the community and that delays added to the cost of affordable housing, but that some delays were necessary. (11:43 a.m.) Maguire stated that he had talked with Taylor over the telephone regarding the 7.5 to 5 foot issue.

(11:44 a.m.) Cindy Barton, attorney, stated she was representing Jay & Linda Ginn. She said that a copy of a letter sent to McCormack and Bosanko and been sent to all the Commissioners. She said the letter described the background and history of the project, the fact that the nesting eagles were discovered and that the Administrative Hearing had taken place and disclosed the proposed modifications. She said a copy of the administrative judge's recommended order and a copy of the governing board's final order recommending issuance of the permit had also been included in the packet.

PUBLIC COMMENT

(11:46 a.m.) Salley Knepper, 1845 Old Moultrie Rd., Apt. # 5, St. Augustine, expressed support for the project and said that she and her husband had been married for 1 year and the affordable housing project along with a grant provided through the County had made it possible for them to buy a home. She supported the 5-foot setbacks because it would allow them to have a bigger back yard with room for their children to play.

(11:47 a.m.) McCormack clarified that the grants given for the affordable housing were available to any county resident who qualified.

(11:48 a.m.) Diane Mills, 3455 Lewis Speedway, St. Augustine, expressed concern about the decision to move forward with the project due to pending litigation and to flooding issues in the area. She gave a history of the property and the resulting problems that had occurred, as various owners developed the property. She submitted pictures showing the flooding conditions that were common to the area during an ordinary rainy period. She expressed concern regarding the 5-foot setbacks and the proposed swales.

(11:58 a.m.) Stevenson asked for clarification stating she could not imagine that the Water Management District would allow non-compliance to the rules. (11:59 a.m.) Barton explained that she was the attorney who had brought the project through the administrative process. She said two petitions had been filed challenging the Water Management District's intent to issue the permit for Ravenswood and lengthy discovery and revisions to the project had been made. She said there was significant delay in getting to the hearing. She noted that with respect to Ms. Mills statement that the Water Management District permits required a 7.5-foot setback, the statement was inaccurate. She explained the Water Management District did not establish building setbacks, but permitted storm water management systems. She said the swales would not be affected by the setback changes being requested. She said the administrative law judge had seen the photos presented by Ms. Mills and had reviewed the evidence presented for four and a half days. She said his findings of fact discovered that the project would not cause flooding down stream, and that factors, other than those on the Ginn's property, had played into the flooding problems. She said the judge had found that the current project would not affect the flooding problems but might cause a slight improvement. (12:02 p.m.) Taylor stated that the litigation and the drainage issues were not related to the current project and were not related to the three items they were asking to be modified. Discussion ensued as to whose responsibility it was to maintain the swales and it was determined that the homeowners association spelled out those responsibilities. (12:06 a.m.) Stevenson requested that Wimpee, the project engineer, clarify the issue for the record. Wimpee said the original PUD allowed accessory uses to be in the side yards 5 feet from the property line, so the setback of the buildings did not affect the original design of the swales. He explained that what they were seeing currently was no different than what was there originally for the side yard swales. He said it was very easy to swale within 10 feet and they were minimal swales designed to allow water to flow away from the back yard.

(12:12 p.m.) Motion by Bryant, seconded by Rich, to enact Ordinance 2005-51, known as MAJMOD 2004-21 Ravenswood Forest PUD adopting findings of fact to support the motion.

(12:13 p.m.) McCormack recommended that before the vote, all documents should be briefly highlighted so that the Board would have seen or heard all evidence pertinent to the issue so it could base a decision upon that. (12:14 p.m.) Barton quickly reviewed each item that had been submitted. She noted there was ample evidence in the record

to support the findings of fact and to the issues that had been raised that day. (12:15 p.m.) McCormack reviewed the documents Ms. Mills had submitted so they would formally be in the record. He then asked Ms. Mills for any additional comments regarding the documents. Because she had been out of the room at the time the suggestion was made, Ms. Mills' response was related to other concerns. (12:16 p.m.) Maguire called for the vote. **The motion carried 4/0, with Stern absent.**

ORDINANCE NO. 2005-51

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE RAVENSWOOD FOREST PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2001-58, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(12:16 p.m.) SPECIAL PRESENTATION BY JUDGE JOHN ALEXANDER, CHIEF ADMINISTRATIVE JUDGE FOR ST. JOHNS COUNTY

Judge Alexander stated he was there today to discuss the needs for the Judicial System and the need for a Judicial Complex. He said he had discussed the issues with the County Administrator. He noted it had been 15 years since another Circuit Judge had been added to St. Johns County and the population of the County was then well under 100,000. He reported that, to date, there were 40,000 to 50,000 residential home permits that had been approved but yet to be built upon. He said there was going to be a tremendous expansion in the number of citizens in St. Johns County.

He said the Florida Senate and House had approved two new Circuit Judges for the 7th Judicial Circuit, St. Johns, Putnam, Flagler & Volusia Counties, and he was asking for another Circuit Judge to be assigned to St. Johns County. He noted the population of St. Johns had nearly doubled since the last Circuit Judge had been appointed here 15 years ago.

He reviewed the use of the current courtrooms, and the need for another judge's chambers, and said they were currently maximizing the use of the Judicial facility. Additionally, he reported, he had major concerns about security, which he had discussed with the County Administrator and the Sheriff. He stated that a courthouse complex was in the county's best interest because of unfettered access to the courthouse building after hours, and since various departments had access to the building after hours. He noted the recent security breach at the Fulton County Georgia courthouse where an individual armed himself once he got inside the building. He said these were the type of things he was very concerned about because there was little control over who came into the building during the day.

He stated that creating a Judicial Complex would create the best value for the dollar. He said they were currently running five jury trials at one time and had over 100 prospective jurors in a room that was not large enough to accommodate them and with not enough seating for them. He said they needed more space and expansion was inevitable. He said they might even be getting another County judge in the next few years as the numbers would justify one. He said the State Attorney and Public Defender had both asked him for additional space and space was at a premium. He said he was firm on the issue of expansion, which was needed and was inevitable.

(12:23 p.m.) Maguire asked the timing involved with the need for more space. Judge Alexander responded about two years. He said they could shuffle and reassign for a while, but if a fourth Circuit Judge were to come in they would be in acute need almost immediately. Maguire responded that it would probably be a minimum of two years before the Board could comply with his request. He said that if they did not address the issue now they would merely be pushing the two-year window out further and further.

(12:25 p.m.) Rich stated he would support his request and realized that the space and court security issues were extremely important. He said there was no compromise for the safety of the courtroom and the staff. (12:29 p.m.) Maguire emphasized that this issue was not a new one. He said conversations had been on-going with the County Administrator and the Judicial side for many months. He reported that it had become necessary for a formal request and that was the purpose of Judge Alexander's appearance today. He was asking that formal discussions move forward at a rapid pace because the necessity was greater and the time to put things together might be growing. Maguire suggested that, with the consent of the Board, they should charge the County Administrator to begin formal negotiations to get the project moving so they could satisfy the judicial needs with the date not to exceed two years out.

(12:30 p.m.) Judge Alexander said he would be glad to speak with the Commissioners individually as well as with other County officials and to have them to take a look and see what they were talking about.

(12:31 p.m.) The meeting was recessed.

(05/18/05 - 20 - 10:48 a.m.)

13. PUBLIC HEARING - REQUEST TO VACATE A PORTION OF 2ND STREET AT OAK AVENUE - THE APPLICANT REQUESTS THAT AN UNOPENED PORTION OF 2ND STREET IN THE VICINITY OF OAK AVENUE IN THE SURFSIDE SUBDIVISION IN THE VILANO BEACH AREA BE VACATED AND CLOSED

This item was moved before Item No. 6

Proof of publication of the notice of public hearing on the request to vacate a portion of 2nd Street at Oak Avenue was received having been published in *The St. Augustine Record* on April 28, 2005.

Kathy Nielsen, Applications Review Coordinator, stated she was standing in for Chuck Kohler, and the request was that an unopened portion of 2nd Street in the vicinity of Oak Avenue in the Surfside Subdivision in the Vilano Beach area be vacated and closed. She noted that a Revised Resolution had been enclosed which would reserve unto the County a drainage and utility easement over the vacated portion, if the Board chose to vacate it.

(10:50 a.m.) Bryant pointed out lots that were located in the marsh and said that portion of property had been donated to the County for saltwater mitigation, as well as a passive park in the uplands, which had also been donated to the County. He explained that by vacating the property in question they would prevent cars from driving out into the marshland and damaging it. (10:52 a.m.) Stevenson said she had gone through the application carefully with Nielsen and they had answered most of her questions. She expressed concern because on-street parking would be removed from an area adjacent to the A1A area, but said she was satisfied with the clarification given by Bryant.

(10:54 a.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to adopt Resolution 2005-138, vacating a portion of 2nd Street at Oak Avenue.**

RESOLUTION NO. 2005-138

A RESOLUTION OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, VACATING A PORTION OF 2ND
STREET AT OAK AVENUE

The meeting reconvened at 1:30 p.m. with Maguire, Bryant, Stevenson, Rich, Zebrowski, Bosanko, and Deputy Clerk Yvonne King present.

10. PUBLIC HEARING - MAJMOD 2003-12 SOUTH HAMPTON PLANNED UNIT DEVELOPMENT

This item was rescheduled to July 12, 2005 at 9:00 a.m.

(05/18/05 - 21 - 2:19 p.m.)

11. PUBLIC HEARING - TRANSMITTAL HEARING FOR FILE #CPA-2004-03, TURNBULL INVESTMENTS, LLC - FILE #CPA-2004-03, KNOWN AS TURNBULL INVESTMENTS, LLC, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY-B. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT UNDER THE TWICE-YEARLY CYCLE. AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THIS REQUEST TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, POSSIBLY IN SEPTEMBER OR OCTOBER. DENIAL OF TRANSMITTAL WOULD END THE REVIEW. THE SITE CONTAINS ABOUT 357 ACRES LOCATED ON THE SOUTHWEST SIDE OF STATE ROAD 16 WEST OF I-95 AND ABOUT 1.3 MILES NORTH OF COUNTY ROAD 208, IN THE NORTHWEST SECTOR AREA, ADJACENT TO THE ST. AUGUSTINE DEVELOPMENT AREA. THE SUBJECT PROPERTY IS ZONED OR, OPEN RURAL. THE APPLICATION INDICATES THAT THIS UNDEVELOPED PROPERTY CONTAINS APPROXIMATELY 92.8 ACRES OF WETLANDS, AND THAT THE SITE HAS BEEN UTILIZED AS TIMBERLAND AND SOD FARMING OPERATIONS. AT THE PLANNING AND ZONING AGENCY'S PUBLIC HEARING ON APRIL 21ST, THE PLANNING STAFF PRESENTED THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT'S POTABLE WATER AVAILABILITY DATA, COMPLETED BY ST. JOHNS COUNTY UTILITY DEPARTMENT. IN ADDITION, IT WAS ACKNOWLEDGED THAT THE PZA WAS TO CONSIDER TRANSMITTAL OF THE CASE, BUT NOT ADOPTION. ACCORDINGLY, THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL TO THE BCC TO TRANSMIT CPA-2004-03 FOR TURNBULL INVESTMENTS, LLC, PROPOSING TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY - B, FOR THE PURPOSE OF OBTAINING ADDITIONAL REVIEW FROM THE DEPARTMENT OF COMMUNITY AFFAIRS, NORTHEAST FLORIDA REGIONAL COUNCIL AND OTHER APPLICABLE STATE AGENCIES

Proof of publication of the notice of public hearing on the transmittal hearing for CPA 2004-03, Turnbull Investments, LLC, was received, having been published in *The St. Augustine Record* on April 4, 2005.

Donna Godfrey, AICP, Senior Planner, informed the public of the comprehensive plan citizen courtesy information list on the back table; that list would be sent to the DCA if the amendment was adopted, and DCA had the option to review comp plan amendments; and if they did review it, everyone on the list would receive a notice. (2:20 p.m.) Frank Miller, representing the applicant, was present to answer questions. (2:21 p.m.) Rich declared ex parte communication; he said he spoke with Bill Pieburn and Paul McCormick. (2:22 p.m.) Ellen Whitmer, 1178 Natures Hammock Road S., Fruit Cove, commented in opposition to the transmittal. Discussion followed regarding the amount of development in the county; the four-laning of SR 16; and the amount of development per year. (2:37 p.m.) **Motion by Stevenson, seconded by Rich, carried 4/0 with Stern absent, to transmit CPA-2004-03, for Turnbull Investments, LLC, proposing to amend the 2015 Future Land Use Map from Rural Silviculture (R/S) to Residential Density-B, for the purpose of obtaining additional review from the Department of Community Affairs, Northeast Florida Regional Planning Council, and other applicable state and regional agencies.**

(05/18/05 - 22 - 2:40 p.m.)

12. PUBLIC HEARING - TRANSMITTAL HEARING FOR ACPA 2005-01 GREENWAY-BLUEWAY POLICIES - ON NOVEMBER 25, 2003, THE BOARD OF COUNTY COMMISSIONERS PASSED RESOLUTION 2003-226, ACCEPTING THE *ST. JOHNS COUNTY GREENWAY, BLUEWAY & TRAIL MASTER PLAN AND REPORT*. STAFF IS REQUESTING TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN TO PROVIDE FOR THE IMPLEMENTATION OF THE *ST. JOHNS COUNTY GREENWAY, BLUEWAY & TRAIL MASTER PLAN*. STAFF IS OF THE OPINION THESE PROPOSED TEXT CHANGES ARE CONSISTENT WITH THE ST. JOHNS COUNTY COMPREHENSIVE PLAN, THE NORTHEAST FLORIDA STRATEGIC REGIONAL POLICY PLAN, THE STATE COMPREHENSIVE PLAN AND RULE 9J-5 OF THE FLORIDA ADMINISTRATIVE CODE. STAFF HAS NO OBJECTIONS TO THE TRANSMITTAL OF THIS AMENDMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR ADDITIONAL REVIEW AND COMMENT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL WITH A 6-0 VOTE AT ITS APRIL 21, 2005 MEETING

Proof of publication of the notice of public hearing on the transmittal hearing for ACPA 2005-01, Greenway-Blueway policies, was received, having been published in *The St. Augustine Record* on April 5, 2005.

Teresa Bishop, Planning Director, aired that the applicant on this issue was St. Johns County, and informed the public of the comprehensive plan citizen courtesy information list on the back table; that list would be sent to the DCA if the amendment was adopted, and DCA had the option to review comp plan amendments; and if they did review it, everyone on the list would receive a notice. (2:41 p.m.) **Motion by Rich, seconded by Stevenson, carried 4/0 with Stern absent, to transmit Comprehensive Plan Amendment ACPA 2005-01 Greenway-Blueway Policies to the Department of Community Affairs for the purpose of obtaining additional review, with Findings of Fact 1-3 to support the motion.**

13. PUBLIC HEARING - REQUEST TO VACATE A PORTION OF 2ND STREET AT OAK AVENUE - THE APPLICANT REQUESTS THAT AN UNOPENED PORTION OF 2ND STREET IN THE VICINITY OF OAK AVENUE IN THE SURFSIDE SUBDIVISION IN THE VILANO BEACH AREA BE VACATED AND CLOSED

This item was heard prior to Item #6.

(05/18/05 - 23 - 1:30 p.m.)

14. PROPOSED CAPITAL IMPROVEMENT PROJECTS FOR BOND FUNDING WITH GUARANTEED ENTITLEMENT REVENUES

Bosanko explained the projects the bond funds would be used for: 1) New County Administration Building Project; 2) County Detention Center Expansion; 3) Golf Course Improvements; and 4) West Augustine Community Center Project. (1:39 p.m.) Jean Mangu, County's General Finance Counsel, explained the steps in issuing bonds, and the participants involved in issuing bonds. Discussion followed on how the underwriter is selected and how the advisory team is selected. (1:53 p.m.) Jay Glover, Public Financial Management, Inc., 300 S. Orange Avenue, Orlando, FL, elaborated on how underwriters are selected, and explained how underwriters are compensated for selling bonds. Glover then proposed that the County use its guaranteed entitlement revenues to secure the debt; proposed a 30 year bond transaction at approximately \$20 million to fund the projects; said the available bonding capacity ranges between \$20 and \$23 million with a 30 year annual payment of \$1.265 million.

The meeting recessed at 2:01 p.m. and reconvened at 2:08 p.m.

Glover addressed the projects to be funded. Discussion followed regarding restructuring the debt without doing the capital improvement portion; and the economies of scale. (2:15 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to direct the County Attorney to form an advisory team and take all necessary steps for the issuance and sale of proposed guaranteed entitlement revenue bonds for approved capital projects, including an RFP to be done for underwriters.**

(05/18/05 - 23 - 2:15 p.m.)

15. CONSIDER HOLLAND PROPERTY WAIVER REQUEST FOR BALD EAGLE NEST SJ-023

Proof of publication of the notice of public hearing on the Holland property waiver request for bald eagle nest SJ-023 was received, having been published in *The St. Augustine Record* on May 3, 2005.

Jan Brewer, Environmental Planning, explained the requested waiver to Section 4.01.10 of the Land Development Code in order to construct a single-family home in the Primary Zone of Bald Eagle Nest SJ-023. (2:17 p.m.) **Motion by Bryant, seconded by Rich, to approve the waiver to Sections 4.01.10B, C, and D, for construction of a single family home located at 8210 Oak Bluff Road W., providing the home shall be constructed at a minimum of 250 feet from the nest tree and no exterior construction will take place during the nesting season, which is from October 1st to May 15th.** Discussion followed regarding the entire lot being within the primary zone. (2:19 p.m.) **The motion carried 4/0 with Stern absent.**

(05/18/05 - 23 - 2:42 p.m.)

16. CONSIDER APPOINTMENTS TO THE HOUSING FINANCE AUTHORITY

Melissa Lundquist, Administrative Coordinator, explained that the four vacancies on the Housing Finance Authority were due to expiration of terms. (2:43 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to reappoint Carol Alford, to the Housing Finance Authority for a full four-year term scheduled to expire March 13, 2009.** (2:44 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to reappoint Wayne Flowers to the Housing Finance Authority for a full four-year term scheduled to expire March 10, 2009.** (2:45 p.m.) **Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to reappoint Linda DeGrande to the**

Housing Finance Authority for a full four-year term scheduled to expire March 13, 2009. (2:46 p.m.) Motion by Maguire, seconded by Rich, to suspend BCC Rule 2.323 to allow re-appointment of a member, James Swanson, to a third four-year term. Discussion followed regarding suspending the rules, and the creation of an alternate position on the Housing Finance Authority. (2:50 p.m.) The motion carried 4/0 with Stern absent. (2:50 p.m.) Motion by Bryant, seconded by Stevenson, carried 4/0 with Stern absent, to reappoint James Swanson to the Housing Finance Authority for a full four-year term scheduled to expire March 10, 2009.

(05/18/05 - 24 - 2:51 p.m.)

17. CONSIDER APPOINTMENTS TO THE MID-ANASTASIA DESIGN REVIEW BOARD

Lundquist informed the Board of the four vacancies on the Mid-Anastasia Design Review Board due to expired terms. (2:52 p.m.) Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to appoint Thomas Ingle to the Mid-Anastasia Design Review Board as a Regular Member for a full two-year term scheduled to expire May 18, 2007. (2:53 p.m.) Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to appoint Carol Bertacchi, to the Mid-Anastasia Design Review Board as a Regular Member for a full two-year term scheduled to expire May 18, 2007. (2:54 p.m.) Motion by Rich, seconded by Bryant, carried 4/0 with Stern absent, to appoint Bob Schallenkamp to the Mid-Anastasia Design Review Board as an Alternate Member for a full two-year term scheduled to expire May 18, 2007. (2:55 p.m.) Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to appoint Craig Ebner to the Mid-Anastasia Design Review Board as an Alternate Member for a full two-year term scheduled to expire May 18, 2007.

(05/18/05 - 24 - 2:56 p.m.)

18. CONSIDER APPOINTMENTS TO THE ARCHITECTURAL REVIEW COMMITTEE

Lundquist explained that the vacancies on the Architectural Review Committee were due to expired terms and one was due to a resignation. Discussion followed on the requirements of the Committee. (2:59 p.m.) Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to reappoint Edward Shafer to the Coastal Corridor/Ponte Vedra Architectural Review Committee as a Regular Member for a four-year term, scheduled to expire March 13, 2009, satisfying the requirement of a registered architect. (3:00 p.m.) Motion by Maguire, seconded by Rich, carried 4/0 with Stern absent, to appoint William Warnock, Jr., to the Coastal Corridor/Ponte Vedra Architectural Review Committee as a Regular Member for a four-year term, scheduled to expire May 18, 2009, satisfying the requirement of a Ponte Vedra Zoning District resident. (3:00 p.m.) Motion by Maguire, seconded by Bryant, carried 4/0 with Stern absent, to appoint Marcy Silkebacken, to the Coastal Corridor/Ponte Vedra Architectural Review Committee as a Regular Member for a four-year term, scheduled to expire May 18, 2009, satisfying the requirement of a Coastal Corridor Overlay District resident. (3:00 p.m.) Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to appoint Margaret Clark to the Coastal Corridor/Ponte Vedra Architectural Review Committee as an Alternate Member for a four-year term, scheduled to expire May 18, 2009, satisfying the requirement of a Coastal Corridor Overlay District resident.

The meeting recessed at 3:01 p.m. and reconvened at 3:12 p.m.

(05/18/05 - 24 - 3:12 p.m.)

19. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF A CONSENT AGREEMENT BETWEEN THE

COUNTY AND ST. JOHNS SERVICE COMPANY IN ORDER TO COMPLETE THE REPAIRS TO THE SERVICE AREA KNOWN AS MOSS CREEK LANE, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO THE CONSENT AGREEMENT ON BEHALF OF THE COUNTY

Sherrie Smith, Court Reporter, was present.

John Schwab, Executive Director for the Water and Sewer Authority, explained that the Water and Sewer Authority was unable to review the Consent Agreement due to a lack of a quorum at its last meeting; therefore, the Agreement was forwarded to the Board of County Commissioners with no recommendation from the Water and Sewer Authority. Schwab then reviewed the Consent Agreement. Discussion followed regarding the penalty schedule. (3:15 p.m.) Sid Ansbacher, Upchurch, Bailey, and Upchurch, representing St. Johns Service Company, addressed the penalty amount; addressed the project status report; and the timeline for the project. Discussion followed regarding the timeframe for the project. (3:33 p.m.) Robert Huhta, 204 Greencrest Drive, Ponte Vedra Beach, representing the Marsh Landing Homeowners Association, commented in support of the Consent Agreement. (3:35 p.m.) **Motion by Maguire, seconded by Stevenson, carried 4/0 with Stern absent, to adopt Resolution No. 2005-139, approving the terms and conditions of a Consent Agreement between the County and St. Johns Service Company in order to complete the repairs to the service area known as Moss Creek Lane, and authorizing the County Administrator to enter into the Consent Agreement on behalf of the County.**

RESOLUTION NO. 2005-139

A RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ACCEPTING THE CONSENT AGREEMENT BY ST. JOHNS SERVICE COMPANY RELATING TO CERTAIN WASTEWATER COLLECTION SYSTEM PROBLEMS EXPERIENCED BY THE UTILITY CUSTOMERS RESIDING ON MOSS CREEK LANE AND SPECIFYING THE COLLECTION SYSTEM IMPROVEMENTS TO BE CONSTRUCTED BY THE UTILITY AND THE TIMEFRAME WITHIN WHICH THAT CONSTRUCTION WILL BE COMPLETED IN ORDER TO MEET THOSE CONCERNS, AND TO SPECIFY STIPULATED PENALTIES IN THE EVENT OF NONCOMPLIANCE WITH SAID CONSENT AGREEMENT

(05/18/05 - 25 - 3:35 p.m.)
COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson questioned the makeup of the Transportation Advisory Group. Clem explained the composition of the group and its purpose.

Stevenson addressed the report from the Post Office regarding expanding postal services to the northwest.

Stevenson reported that where commercial properties are located in close proximity to residential there have been complaints regarding excessive debris and loud dumpster noise. Stevenson suggested they have a different type of compactor and a different

kind of dumpster that did not make a lot of noise when picking up trash in the early morning hours in areas where residential was close to commercial properties.

Stevenson thanked Staff for attending the District One Town Hall meeting on Tuesday, May 17, 2005.

(3:42 p.m.)

Commissioner Rich:

Rich addressed the main post office possibly being relocated near the SR 312 & SR 207 intersection.

Rich voiced his concerns of the effects of some new legislation coming out of Tallahassee would have on some of the decisions the Board would be making in the future. Rich requested the County Attorney give an update on the new legislation.

Rich expressed concern with the CR 210 intersection; traffic backing up onto I-95.

(3:46 p.m.)

Commissioner Bryant:

Bryant commended the staff of the Mental Health Department for the results from an outstanding audit that was performed on that department.

(3:46 p.m.)

Commissioner Maguire:

Maguire commented on development issues; the timing of development projects from the time they come into the Building Department to the time of buildout.

Maguire informed the public that the Vilano Beach Town Center would be conducting a Florida Main Street quarterly meeting on June 9, 2005.

Maguire said he received a letter from Joe and Sid Mickler thanking the Board for the help they received from the Council on Aging.

Maguire submitted a request from Mr. Abaitello to be a member of the Citizens Advisory Committee of the First Coast MPO. Maguire said he had requested a letter be sent to the MPO requesting that all submissions to them must have the recommendation from the St. Johns County Commission prior to appointment.

Maguire distributed a letter from Doug Crane, Chairman of the Ponte Vedra MSD, regarding a request for support from the St. Johns County Commissioners to JEA. He said JEA had charged the MSD residents \$1,025 for sewer connections. The residents have requested the County Commission challenge the connection fee. Stevenson said she would be attending a meeting with representatives from JEA next week, and offered to address this issue at that meeting.

(05/18/05 - 26 - 3:52 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Zebrowski addressed the request of Rich for updates on legislation that is passed in Tallahassee. He said the Florida Association of Counties would be coming to the St. Johns County area to discuss laws and issues that have been passed during the session and how they affect the counties.

Zebrowski addressed security issues in the County Administration building.

Zebrowski read a letter from Stern regarding scheduling a special meeting regarding annexation in the Town of Hastings on June 1, 2005 at 5:30 p.m.

Zebrowski then requested the Board set four meetings: 1) June 1, 2005 at 5:30 p.m. regarding Hastings annexation; 2) June 6, 2005 at 9:00 a.m. regarding the Summer Haven project; 3) June 20, 2005 at 9:00 a.m. regarding Twin Creeks DRI; and possibly at that meeting, there would be a briefing on the growth management effects from the new legislation that was recently passed; and 4) June 28, 2005 at 1:30 p.m., an impact fee workshop.

(05/18/05 - 27 - 3:59 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko informed the Board that a prisoner in the County jail was in need of some major surgery; and the issues came to the legal department regarding the cost of the surgery. Bosanko informed the Board that the County would not be responsible for any of these costs.

Bosanko commented on the recently approved library contract; one of the parties had requested another change in the contract. Bosanko said he would present this issue at the next meeting.

Bosanko mentioned the Rosenstock case regarding County compliance with State personnel laws regarding how an individual was dealt with; the County had been successfully defended. Bosanko said Mr. Rosenstock had agreed to drop any appeals if the County agreed not to pursue costs against him.

Bosanko said Ms. Whetstone was still negotiating new language regarding settlement on the sewer lift station.

(05/18/05 - 27 - 4:06 p.m.)

CLERK OF COURT'S REPORT

No report.

(4:06 p.m.) **Motion by Bryant, seconded by Rich, carried 4/0 with Stern absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 4:07 p.m.

REPORTS:

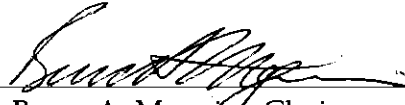
1. St. Johns County Board of County Commissioners Check Register; approving checks 367561 through 367586, totaling \$37,667.76 (05/12/05)

CORRESPONDENCE:

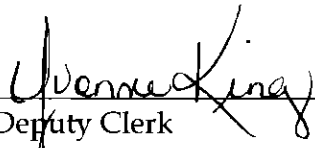
1. Letter from the City of St. Augustine regarding the annexation of property (04/27/05)
2. Letter to the Division of Recreation & Parks regarding the Beach Restoration Use Agreement (05/06/05)
3. Letter to the Department of State filing Ordinances No. 2005-40 through 2005-45 (05/10/05)

Approved June 14, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk